DOCUMENT RESUME

ED 241 396 SO 015 407

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TITLE The Rhetoric of Rights.
PUB DATE Sep 83
NOTE 77p.; Paper presented at the Annual Meeting of the American Political Science Association (Chicago, IL, September 1-4, 1983).
PUB TYPE Viewpoints (120) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS *Civil Liberties; Controversial Issues (Course Content); Political Issues; *Political Science; *Theories

ABSTRACT

Theorists on human rights can be divided into two camps: those who believe that rights are asserted by and ascribed to groups, and those who believe that rights may be properly predicated to individuals only. Of late, the latter group has gained dominance. This paper, by presenting a rhetorical analysis of individualism in regard to rights, rejects the limiting of rights to distinct persons. Analysis is divided into five stages. A discussion of the phenomena of group rights precedes examination of the theoretical restrictions of rights of individuals. Various individualisms are distinguished and discredited. The author then highlights the relevance of "group rights" to current issues of ethics, politics, and law, outlining the potential contributions of this concept to current projects in political theory. Finally, the notion that rights are political rather than philosophical is presented. (Author/LP)

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THE RHETORIC OF RIGHTS

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Panel on "Human Rights"

Annual Meeting

American Political Science Association

Chicago, Illinois

September 1-4, 1983

THE RHETORIC OF RIGHTS

ABSTRACT

Many peoples and practices recognize rights of groups and communities. Some do so in ethics, some in politics, and some in law. Of late, however, most theorists presume that rights may properly be predicated of individuals only. Philosophically, talk of group rights has been held to be loose and methodologically misleading: at best, an abbreviation or aggregation of claims for individuals; at worst, a transgression of basic rules for rational inquiry or communication. Politically, talk of group rights has been held to be loose and morally misleading: at best, a persuasive definition of personal interests; at worst, an invitation to totalitarian terror or other atrocities. As a result, recent theories of rights have tried to inject one or another individualism into the very heart of the concept. They imply that sizable or systematic recognition of group rights must drive out recognition of individual rights.

But in practice, group rights refuse to go away. Repeatedly and respectably, rights have been both asserted by and ascribed to groups. Not only have the particular practices, groups, and rights been numerous and diverse; but almost every practice which has extended (some) rights to (some) individuals has also recognized (some) rights of (some) groups. By itself, this does not falsify or otherwise disqualify individualist theories of rights. Yet it does call them into question. Reasons are required for overriding the self-understandings and -defenses of those who think, talk, and act in terms of group rights.

Here I argue that such reasons have been lacking or unconvincing. Indeed, the absence of even initially persuasive reasons is so striking that I urge a consideration of the rhetoric of individualism in regard to rights. In part, I perform such a rhetorical analysis in the process of identifying and rebutting different individualisms behind the insistence on limiting rights to distinct human persons. Beyond that, I explore the possibility that rights are primarily rhetorical and political entities -- rather than legal, ethical, or philosophical constructs. This leads me to fault the general manner in which recent (analytical) philosophers have addressed rights theories and practices.

First, I call attention to the phenomena of group rights. Second, I attempt to distinguish and discredit the various individualisms behind theoretical restrictions of rights to individuals. Third, I highlight the relevance of 'group rights' to current issues of ethics, politics, and law. Fourth, I mention potential contributions of this concept to current projects in political theory. And fifth, I explain the notion that rights are crucially rhetorical and political entities, not fit for philosophical abstraction from actual political conduct.

THE RHETORIC OF RIGHTS

INTRODUCTION

The world over, rights are recognized not only of individuals but also of groups and communities. The rights and grounds vary a good deal, as do the individuals and groups. But since the idea of individual rights is familiar, what is remarkable is the prominence of group rights. Recent ethical, political, and legal practices abound with the assertion and acceptance of rights by groups and communities. From debates in the United Nations to court rulings in the United States, from demands for affirmative action to claims for bilingual education, from resurgent nationalism to rehabilitation of refugees: the language, respect, and reality of group rights are almost everywhere with us.

This plain fact notwithstanding, the theory of rights has remained resolutely individualist, especially in (analytical) philosophy. It refuses to recognize that entities other than particular persons may bear basic rights, at least outside a few peculiar canons of law. Worse, with only a few important exceptions, recent rights theories fail even to examine seriously the vast phenomena of group rights, let alone to attempt a careful rebuttal of the increasingly common extension of rights to groups and communities. Denial and neglect of group rights is one of the main things wrong with recent theories of rights. Worst, those theories have confused and constricted recent practices of rights.

With our politics permeated by group claims to rights, this topic cries out for thorough treatment in theory. Academically, that need is reinforced by current work in many fields: the revitalization of rights theory within

political philosophy, the resurgence of community theory within social thought, the continued prominence of interest-group theory within political science, and the renewal of human-rights theory in international relations. Appreciating the legitimacy and limits of group rights can improve all of these inquiries and more. Still the need for facing up to group rights and related matters is mainly practical and political, not merely academic and theoretical. Actual -- not hypothetical, conjectural, or otherwise abstract -- controversies over recognizing rights of groups and communities are the heart of many current conflicts in ethics and politics. Moreover, as my opening list of group-rights issues is meant to suggest, these conflicts are among the most important and intense of our times.

No single essay could encompass the full repercussions of recognizing group rights. Here I have three main purposes. I want to call attention to the importance of the topic of group rights. I intend to consider the rhetoric (that is, the reasons) of those who resist recognition of group rights. And I propose to explore what this resistance can tell us about the character of rights, whether individual or communal, and how they should be considered.

There are many obvious ways in which this might be done. First, an exploration of past and present practices in which group rights have been recognized could establish the credibility, flexibility, and even necessity of group rights in coping with diverse problems of morality, politics and law. Second, a criticism of past and present theories in which individual rights and group interests have been recognized while group rights have been spurned could show the inadequacy, incompleteness, and even incoherence such theories. Of course, both these inquiries could identify sources of resistance to accepting or extending recognition of group rights. Third, an assessment of past and present practices in which group rights have been excluded could

suggest the conditions that sometimes make this reasonable, as well as the circumlocutions and costs incurred when this is unreasonable. Fourth, a study of the situations and weaknesses of past and present conceptions of group rights could explain why this concept has floundered theoretically even as it has flourished practically. And fifth, an imaginative treatment of current and future issues of policy could evoke the visions and indicate the programs which might stem from excluding or extending group rights in various ways. All these inquiries and more would be required for a thorough consideration of group rights. Without them, an adequate appreciation of the relationships among various individual and group rights would be impossible -- which is to say that an adequate theory of rights would be impossible.

Here, however, I cannot be nearly so adventurous. The tack that I take fits mostly into the second approach summarized above. Thus I focus on discrediting the apparent reasons for restricting rights to individuals alone. In addition, I point to evidence of the impressive scope and variety of group-rights practices and to some current issues which revolve around recognition of group rights. But these parts of my argument will be brief and schematic, in order that I may concentrate on criticizing the individualist rhetorics which support the theoretical neglect and denial of group rights and on examining the implications of those rhetorics for the nature of rights and studies thereof.

Thus first, I call attention to the phenomena of group rights. Second, I attempt to distinguish and discredit the various individualisms behind theoretical restrictions of rights to individuals. Third, I highlight the relevance of 'group rights' to current issues of ethics, politics, and law. Fourth, I mention potential contributions of this concept to current projects in political theory. And fifth, I explain the notion that rights are crucially rhetorical and political entities, not fit for philosophical

abstraction from actual political conduct.

In terms of the rhetoric of rights, the first four parts of the essay trace lines of disjunction and dependence among realities, rhetorics, and philosophies of political, ethical, and legal practices. Then the fifth part of the paper seeks to show a special significance of rhetoric for the realm of rights (and for any current recommendation or rejection of group rights, in particular.) This leads directly into sketching (rather than making) a case for a specifically rhetorical and political conception of rights. In other words, I suggest that rights are preeminently political entities, rather than moral or legal ones. Further, I note how moral, legal, or other senses and kinds of rights are parasitic upon a primary sense and kind of rights, which should be recognized as rhetorical or political. Thus the concluding section speaks directly to current debates about the character, recognition, and tactics of rights.

The negative argument for recognition of group rights pivots on the many practices in which group rights are recognized. For if group rights are well established in practice, then the burden of argument falls upon those who would rule out the very concept of group rights. Then such theorists must show either that the wide variety of people who conceive themselves to be recognizing group rights are not really doing so, or that the group rights themselves are too pernicious to continue to recognize. Furthermore, if important issues now hinge on struggles over the conception and institution of group rights, then that burden of argument is greatly increased. And finally, because criticizing particular people and practices cannot by itself show the general impossibility or impropriety of group rights, such theorists must also argue against group rights in principle.

Hence my strategy of argument is to suggest the wide practical recognition received by group rights, point to their importance in projects

acceptable on grounds independent of any direct defense of group rights themselves, rebut the standard reasons for rejecting them in principle, and then explore the repercussions of the foregoing for the theory and practice of rights. To be sure, this strategy provides neither an adequate theory of group rights nor a fully positive argument for them. It does not give a specific case for recognizing some particular right of some particular group. Nor does it articulate a detailed case for treating rights as pre-eminently rhetorical and political entities. But it takes advantage of the dependence of theory on practice by insisting that the self-understandings of practitioners should be overridden only with strong reason. And it explains how the self-understandings of those who bear, exercise, and respect rights support the recognition that rights extend to groups as well as individuals and that rights remain specially rhetorical and political.

In fact, many rights theorists have simply overlooked group-rights practices and accordingly have advanced no reasons at all for restricting rights to individuals alone. As I will argue, the few reasons cited explicitly and the others relied upon implicitly have been bad reasons, at least at a general level. Some of them do identify disadvantages of extending one or another right to a specific group or two. And some of them do clarify general costs, dangers, and especially limits of recognizing group rights. This latter contribution can be especially important in looking toward development of a general theory of group rights. But none of these objections suffices to discredit the very concept of group rights. By evoking the profusion of group-rights practices, and by criticizing the grounds of individualism in recent rights theory, I will at least put the burden of argument about group rights back where it belongs: on those who would reject or neglect this concept, let alone the claims and occurrences through which it is woven.

Let me begin, then, with a crucial thesis: the usual reasons for refusing to recognize group rights are insufficient for repudiating them in concept. After discrediting the various individualisms behind objections to group rights, I will turn briefly to evidence of their acceptance in practice and propriety in policy. Although far from a complete treatment of group rights, this should be enough to shake recent theories of rights to their very roots. If their fruit is ripe, then let us harvest it; if rotten, then discard it to cultivate anew.

INDIVIDUALISMS

Equating human rights with individual rights is largely the genius (and limit) of modern liberalism. Indeed, the very concept of a moral right owes most of its current existence to that amorphous ideology. It is no accident that foremost theorists of rights find their homes far more in liberalism than any other set of political theories. Thus rights theories reflect the various individualisms which have been so influential within liberalism. According to virtually every modern theory, groups may properly claim interests, but not rights. Talk of "group rights" is conceded to give only a loose, summary statement of the rights of distinct individuals. All careful accounts and all accurate analyses should -- even must -- be conducted at the level of particular persons. Anything else risks "reifying" groups; running roughshod over individuals and their rights; repressing freedom, creativity, and even productivity; and generally making a mess of morality and politics, not to mention law. Indeed, down roads such as those lie the totalitarian terrors of the twentieth century. Hence on this view, truly serious treatments of human rights must limit them to the claims of individual human beings.

There is some reason to respect such individualisms and their reservations about recognizing rights of groups. Even the sweeping argument

about tacit totalitarianism is too plausible to be ignored. Still, the practices of group rights have long been so widespread and respected that exceedingly strong reason is required for overriding the self-understandings of everyday politics as expressed in the language of group rights. In our times, to put the burden of argument on the individualists is itself an unusual and important move, both intellectually and politically.

For the first and most important point about individualisms in rights theory is simply how long they have been taken for granted. As a result, the reasons for restricting rights to individuals have been allowed to slip beneath the surface of rights theory, so that the second most important point is that the individualisms of recent rights theory has become largely implicit. As a further result, these individualisms have been left without systematic statement, let alone support. And thus the third main point about such individualisms is how inchoate and ill-defended they turn out to be, once explicated. Indeed, within recent theories of rights, different individualisms are so diffuse that they tend to dissolve into one another -- not from insight, but confusion.[1]

In recent theories, that rights are to be predicated of individuals alone and never of groups is far more a presupposition than a proposition. Worse, nowhere in recent theories is there offered a direct and well-developed defense of such individualism. At a minimum, then, recent theories of rights can be faulted for fundamental incompletion. Either the reasons for restricting rights to individuals must be inferred from the rest of each rights theory, on a one-by-one basis; or they must be borrowed from the rest of philosophy and social science, where they are more generally, but adequately set forth (if not supported). More brief and better fitted to my basic concerns here, the latter procedure is preferable for now.

Even though mostly centered somewhere within the orbit of liberalism, the

individualisms at issue are diverse indeed. In perhaps the most systematic treatment of the subject, Steven Lukes has argued that there are at least eleven "basic ideas of individualism."[2] His classification does not apply directly to defenses of individualism in rights theory; but, with a bit of adaptation, it will serve well in explicating the main reservations regarding group rights. Explicitly or implicitly, reasons for overriding all claims to group rights have been derived from seven distinct theses of individualism: (1) ontological, (2) epistemological, (3) methodological, (4) economic, (5) romantic, (6) ethical, and (7) political.

The first three individualisms sound as though they would be the most fundamental of the seven, and they have sometimes been treated as such by philosophers. After all, surely commitments of ontology, epistemology, or at least methodology undergird the other, more specific versions of individualism. In fact, however, these allegedly more fundamental individualisms have usually been supported by "arguments" of such poor quality as to belie the idea that they are more basic than the other four individualisms. If anything, the first three individualisms depend upon the last four, rather than the other way around. For these individualisms of ontology, epistemology, and methodology simply collapse when subjected to close scrutiny. (Indeed, they get most of their plausibility from covert and confused inclusion of the other individualisms, especially those of ethics and politics.) But economic, romantic, ethical, and political individualisms are much sturdier. They are the real roots of resistance to recognizing group rights.

Even so, though, these four individualisms have deep problems of their own. Excavated, they reveal reliance upon some of the most problematical parts of liberalism: including its troubled dichotomies between groups and individuals, rights and interests, states and nations, and even politics and

morality. Pursued, they lead into tacit recognition of group rights: minimally for states and families, more likely for corporations and peoples also, and maximally for many other institutions and groups as well. Pushed, they fall back upon dubious ideas of community and legitimacy: notably the tortured metaphors of contract and consent. And extended under pressures of logic and history, they engender the very horrors they are meant to prevent: the academic holisms and historicisms, the ethical compromises and corruptions, or the political corporatisms and technocracies.

I will discuss the seven individualisms in the order listed above. Thereby, I will sketch how the first three depend upon the last four, how those final four suffer the difficulties just described, and how all this discredits the standard case against group rights.

ONTOLOGICAL INDIVIDUALISM

Since ontology is the study of being(s), ontological individualism could be expected to concern the being of "individuals." And so it does, in the sense of "human beings" or "persons." This is by contrast with cultural or institutional entities, said in some sense to be "composed of" or "constituted by" humans or their activities. Thus there are two main versions of ontological individualism. The more radical asserts that only individuals exist; institutions, societies, and so on do not. In other words, the radical claim is that institutions, groups, and so forth are strictly epiphenomenal. The more cautious claim is that institutions and the like are ontologically dependent upon individuals, that institutions "exist" in a sense parasitic upon or at least less fundamental than the sense in which individuals "exist." Of course, specifying this special, derivative sense of "existence" turns out to be terribly difficult.

In neither case does repudiation of 'group rights' follow with deductive inevitability from ontological individualism. Given that we do identify and

discuss (epiphenomenal) things like institutions and economies, a case could still be made for attributing "rights" to them, although this would presumably have a meaning fundamentally different from that of attributing rights to individuals. Its precise meaning would vary across conceptions of rights, not to mention (individualist) ontologies. Still, ontological individualism is a ground upon which rejections of 'group rights' are built.

Perhaps contrary to expectation, the radical thesis of ontological individualism is less determinedly hostile to the concept and practice of group rights than is the qualified claim. Once any nonindividual discourse is accepted by advocates of the radical variant, they thereby have no particular reason to refrain from, in some sense, "accepting" discourse concerning a nonindividual right. From time to time, they will probably want to remind people that this sense is importantly different from the one in which they "accept" discourse concerning an individual right. For them, a "group right" is fictional. But this is just part of their general inclination to remind people that any "group" is fictional, so that all talk regarding it must be loose, figurative, and ultimately misleading. Such radicals would insist on the principle that defensible discourse regarding group rights is identical with correct discourse regarding individual rights. As long as that is understood, they have no reason for forbiding talk and conduct in terms of group rights. In this direction, the radical thesis of ontological individualism turns toward methodological individualism. As will become clear, the problem then is not whether talk of groups and group rights is permitted, but what it is permitted to mean.

With the more cautious version of ontological individualism, however, there is a greater stake in objecting (even) to (loose) talk of group rights. For the advocates of a more qualified ontological individualism must demonstrate that the "existence" of groups is dependent upon the "existence"

of individuals in a manner more basic than any dependence that might run the other way. That is, proponents of a more modest (and plausible) variant of ontological individualism must sustain a distinction between the merely existent (groups) and the fundamentally existent (individuals). Presumably, any such distinction must turn on qualities basic to the existence of individuals as individuals. Predicable of individuals, but not of groups, such qualities would account for the ontological dependence of groups on individuals.

Many theories of rights recognize some rights as basic to the very existence of individuals as persons or human beings. Thus rights are reasonable candidates for inclusion among the qualities which leave groups ontologically dependent upon individuals. I can imagine such claims for alleged rights to life and free speech, for example, with the ontological individualist insisting that their attribution to individuals alone is part of the sense in which the "existence" of groups must be parasitic upon the "existence" of individuals, but not vice versa. Even were this true, it would not entail refusal to predicate rights of groups, since some particular rights of individuals could be bound up with the ontological dependence of groups on individuals, without all rights having the same ontological significance. Yet it is easy to see why proponents of a qualified ontological individualism would be loathe to let 'rights' be used in this looser way. For that would encourage confusion about the usage crucial to such ontological individualists. Moreover, their "basic individual rights" would be fundamentally different from any other attributes -- individual or group -- ambiguously named "rights." For these reasons, the sheer cogency of a qualified thesis of ontological individualism will often depend upon a denial that rights may be predicated of groups. Somewhat surprisingly, then, more virilent opposition to the very concept of group rights is likely to come from

advocates of the cautious version of ontological individualism than from the radical version.

Still, both versions are often behind the drive to convict 'group rights' of a contradiction in terms. Accordingly, the question becomes how credible either thesis of ontological individualism can be. As for many a suspect doctrine, serious arguments for ontological individualism are actually quite scarce; most who profess it just somehow take its truth to be obvious.

Unfortunately, some advocates of ontological individualism appear to confuse it with nominalism: a denial that universals exist. Thus there are some arguments which establish, if anything, that the Platonic Idea or Form of a Group exists either dependent upon particular groups or not at all. (Of course, those same arguments would establish that there is no universal Individual, at least in any sense independent of particular individuals.) This confusion is especially bizarre in that nominalism could easily lead to (ontological) acceptance of groups (along with individuals) and thereby group rights (along with individual rights). After all, humans in every known culture appear to have names more or less the equivalent of 'group,' 'people,' 'institution,' 'society,' and so on: thus meeting the most likely test of existence (basic or otherwise) convincing to a nominalist. Worse (for ontological individualism), some anthropologists insist that the same cannot be said of 'individual,' 'person,' 'human,' and the like, since some tribal cultures appear to lack congruent terms. This could easily suggest to a nominalist that the "existence" of individuals is dependent on the "existence" of (certain) cultures or institutions, and not the other way around. Indeed, my argument about the reliance of the three philosophical individualisms (ontological, epistemological, and methodological) upon the four cultural individualisms (economic, romantic, ethical, and political) intersects this line of thought.

Other advocates of ontological individualism rely on that state-of-nature imagery dear to the social-contractarian eye. "Look and see," they say, "and surely you will notice that what meets the eye is only the action and interaction of human bodies, with one another and with the other physical things of this world. Any institution, group, society just is these individuals in interaction, not something distinct from them! The senses convey direct evidence of individuals only, and thus only individuals are there." As with forests and trees, I reply, I (and others) can and do see either and both: whether the units are for me "individuals" or "groups" depends upon my needs and dispositions in perception, let alone subsequent classification. So I say, so others have said, and so our many languages imply. In the face of these perceptual declarations, what is the evidence to the contrary?

"You do not understand," responds the ontological individualist. "The point is that an individual can be present when groups or institutions are not, but there can be no groups or institutions before you when there is no individual at hand." Yet it is impossible for me to see you as an individual (a person, a human being) without seeing you as a member of various groups, as a participant in various institutions, as an acculturated creature. This I see in you, as you, is you. "There need be no hint of membership or acculturation in a moving body of human shape, seen from afar." Then all I see, though, is sheer shape, a mere physical thing; unless the shape and movement themselves have meaning to me, in which case they will be recognizably "human" or "personal" by virtue of their cultural significance. So again, there could indeed be said to be some institution, group, or culture present.

Furthermore, presence is not existence; and the issue is whether an individual can exist alone, without groups or institutions existing. "But not exactly, since as the wild- or wolf-children suggest, the issue is whether an

individual can exist utterly apart from whatever groups or institutions might function separately." At least I can tell by this point that my adversary is clever enough to avoid the radical version of ontological individualism, for it cannot afford any concession of institutional existence whatsoever.

Sadly, about the only move left for the radicals is to insist that a creature bereft of any institutional tie -- including any kind of language or reproductive arrangement -- could still be a human being. Besides being biologically dubious and historically absurd, this contention would disqualify ontological individualism as a ground for rejecting 'group rights'. It would make any living thing eligible for attribution of rights. Whether this is objectionable in itself, I leave to others to dispute. But what then would tie "rights" importantly to the "individual" qualities said to render groups ontologically dependent on individuals? Worse, what would those qualities be? Since it is hard to conceive what kind of answers could be satisfactory, it should not be surprising that radicals have offered none at all. The same could be said of the more general question: why call such a creature an "individual human being?" At best, the radical argument becomes tacitly, but viciously circular: because only individuals exist, and any creature more "developed" or "august" would require the existence of institutions, cultures, and company. To say that is simply to reassert the radical thesis, not to support either it or the more cautious version of ontological individualism.

"But the more cautious point about separate existence remains. The wild children suggest that an individual can exist quite apart from any society or institution, although plainly no society or institution can exist in isolation from all individuals." Yet neither side of this assertion should be accepted. First, any "wild child" must bear a biological connection to other individuals (parents) and their culture(s). Second, there is no evidence that such unfortunate creatures have been fully or truly "wild" in the sense of growing

up sans any meaningful acculturation. Third, even though such beings may have "grown" biologically, they seem to have matured very little toward uncontroversially "human" status -- either because of biological or cultural defects. Indeed, that we can recognize these features as "defects" is very significant in this regard.

"These arguments concern separations of biology and space more than time. One can imagine individuals existing before they interact to form a culture and even after that culture has been swept away, say by a nuclear holocaust. But the idea of cultures existing before or after any individuals exist is absurd." I won't say that such arguments of (counterfactual) imagination cannot be made, but I will insist that they be made with greater care. For example, a culture might be said "survive" its inhabitants through the cultural artifacts that remain. This stretches somewhat our earlier notion of "existence," but no more than our original notion of an "individual" is stretched by the vision of a Nuclear Crusoe. Nor is it clear that such a Crusoe would carry any less cultural baggage than Defoe's prototype.

More importantly, all these imaginings are contrary to fact. If ontology is not to be an exercise in creative definition, then it must find its roots in relevant research, in our knowledge of the beings in question. When we turn to widely accepted facts, which even the ontological individualist is unlikely to dispute, then even the most cautious thesis of ontological individualism must look confused or incredible. The ultimate interdependence of Nature and Nurture is repeatedly and routinely attested to by the biological and social sciences. In studying human beings, we have learned how deeply and fully they are cultural creatures. Admittedly, this proposition is so basic to our knowledge that we are often inclined (with reason) to accept it as an axiom rather than subjecting it to further testing as a fact. But to the extent that we can avoid insuring its truth through definition, virtually

no evidence contradicts it even superficially, while vast evidence supports it emphatically. If they were to deal in data, ontological individualists would find themselves forced toward dubious interpretations of "wild children" and a few other ambiguous phenomena. That is why ontological individualists decline factual defenses of their doctrine in favor of declarations, definitions, and invocations of imagination ill-suited to dispassionate consideration of the issue.

In fact, individuals can no more exist without institutions than institutions can exist without individuals. There is ontological dependence, but it runs both ways, with neither individuals nor institutions ontologically more basic. To be sure, the way in which the existence of individuals depends on the existence of institutions is different from the way in which the existence of institutions depends on the existence of individuals. This is the only point that ontological individualists sometimes get right. But they do not and cannot sustain the claim that one mode of dependence is more ontologically important than the other.

Has anyone (but the ontological individualist) ever doubted that individuals and groups differ ontologically? For this is simply to say that individuals and groups differ, period. They are not the same sorts of things. Whether their general, definitional differences ought to involve a general restriction of rights to individuals rather than (for example) individuals and groups is another matter. Minimally, we would expect it to be a matter for general cultural inquiry: with regard to legal rights, a matter of legal theory; with regard to economic rights, a matter of economic theory; with regard to political rights, a matter of political theory; and so on with regard to the other symbolic forms of culture. Maximally, we would expect it to be a matter for specific social studies: whether this particular right should be recognized of this particular entity at this time in this place by

this other entity. The rights in question could include rights to speech, education, self-determination, authority, location, life, continuation, etc. The entities at issue could include individuals, children, groups, institutions, animals, plants, rocks, etc.

Thus we would be well on the way to a theory of rights, but one unimpeded by a priori (not to mention unjustified) attempts to address cultural issues by definitional fiat, dressed up as ontological inquiry. Upon actual inquiry, the deep conviction that only individuals can have rights, because only individuals (basically) exist turns out to be a vague feeling fed by ethical, political, and other cultural commitments rather than general theories of being. Let it then be addressed as the cultural issue it is, avoiding the portentous abstractions of philosophy wherever possible.

EPISTEMOLOGICAL INDIVIDUALISMBy Lukes' definition, "epistemological individualism is a philosophical doctrine about the nature of knowledge, which asserts that the source of knowledge lies within the individual."[3] It is closely connected (and common confused) with ontological individualism. Indeed, epistemological individualism has sometimes been proposed as an inescapable implication of ontological individualism. Insofar as that is true, of course, my argument against ontological individualism should raise doubts about epistemological individualism. But the more distinct these two individualisms are conceived to be, the less reason there is for seeing epistemological individualism as a reason for rejecting the possibility of group rights. Thus in discussing epistemological individualism, I will rely largely upon others' demonstrations of its intrinsic defects and direct my own argument toward showing its insufficiency as a ground for general objection to group rights.

First, let me summarize the general objections to epistemological individualism. As Lukes has noted, the main theoretical foundation of this

doctrine has long been one or another kind of empiricism. As he further observes:

> The crucial objection to empiricism, and to epistemological individualism generally, has taken two related forms: first, an appeal to a shared public world, and, second, to a shared, 'intersubjective' language, as preconditions or presuppositions of knowledge. The latter objection has become a commonplace of sociological and anthropological theory (receiving a classic statement in Durkheim's studies of primitive thought and religion) and of contemporary post-Wittgensteinian philosophy. Generally, epistemological individualism is to be contrasted with all those theories which hold that knowledge is, in part at least, the product of what Wittgenstein called 'forms of life' and is to be tested as genuine by reference to a public world.[4]

Analogous to the way in which individuals and institutions are ontologically interdependent, they are epistemologically interdependent also. As a wide variety of evidence reveals, reality and knowledge are cultural constructs, even (or indeed, especially) where scientific knowledge is concerned. The human capacity for ratiocination can neither develop nor survive to a viable degree apart from some sort of social or institutional connection. The source of knowledge lies within the individual within society. The individual in utter isolation from society is not the single, central, or perhaps even possible source of "knowledge" in the usual, human sense.[5]

Some theories of rights connect the ability to bear rights with the human capacity for knowledge. On these theories, while sentience is enough to sustain attribution of interests, it is not sufficient to ground attribution of rights, which are conceived as claims so basic that they always override any interest in conflict with them. Hence, to be eligible to possess rights is said to depend at a minimum upon possessing abilities to judge for oneself, to appreciate the significance of rights, and to speak for oneself. Here let me abbreviate these abilities by writing of the required capacity of ratiocination. This capacity is generally taken to be limited to adult human beings, thereby leaving them as the only potential bearers of rights. Among

other things, these theories deny that rights may be predicated of plants, animals, children, or even the mentally disabled, or the otherwise utterly dependent: all of which have -- at one time or another -- been conceived to lack the required capacity of ratiocination. If groups were similarly conceived to lack this capacity, then by this line of argument, they would be categorically disqualified as potential bearers of rights.

As inspired by epistemological individualism, this sort of objection to group rights is vulnerable to at least three replies. First and most fundamentally, the epistemological individualism itself can be discredited. Since the argument to that effect is exceedingly complicated, since some of the other places where it is set forth in adequate detail are footnoted above, and since a summary of it has already been presented, there seems no need for further consideration of this first response.

Second, the requirement of ratiocination can be disputed. Partly, this issue turns upon the relationship of rights to responsibilities. To reject the requirement of ratiocination could be to disjoin rights and responsibilities, at least in some significant cases. For arguments over whether rocks, trees, and animals can bear rights pivot upon whether a capacity for rights depends upon or perhaps even is the same as a capacity for responsibilities.[6] Those who oppose recognizing rights of such an entity are inclined to emphasize that none (or very few) of the very "highest" mammals could appreciate the significance of rights, and that appreciation of rights by these other ("lower") entities is out of the question. At a minimum, this disjunction poses the possibility of two distinct kinds of rights: those conjoined to responsibilities and those not.[7]

To defend 'group rights' by this distinction might work well enough in its own, narrow terms: discrediting epistemological individualism as a reason for rejecting 'group rights.' But this defense would leave 'group rights'

terribly open to attack on political grounds. For there is too much evidence that groups with rights, especially rights regarding individuals, need the political limits of corresponding responsibilities. Otherwise, they threaten to become tyrannical or even totalitarian. If there is any truth to either liberalism or constitutionalism, this is an important part of it.

Partly, disputing the requirement of ratiocination turns upon the relationship of rights to the capacities for independent decision and action. To reject the requirement of ratiocination could be to disjoin rights from judging and speaking for oneself, at least in some significant cases. For arguments over whether children, inmates, and patients can bear rights pivot upon whether a capacity for rights depends upon or perhaps even is the same as these two capacities of independence.[8] Those who oppose recognizing rights of such an entity are inclined to emphasize that ability to bear a right requires ability to exercise it personally and freely. They insist that such an entity (who may or may not be a "person," "pre-person," "deprived person," or somesuch) is too dependent upon others to meet the test of free exercise. Again at a minimum, this second disjunction poses the possibility of two distinct kinds of rights: those to be exercised by the bearer and those not.[9]

Presumably, to defend 'group rights' by this distinction would be to portray the exercise of group rights as entrusted to group members, leaders, and/or institutions. Also presumably, this would work analogously to the way in which the exercise of childrens' rights is often supervised by and sometimes entrusted to parents, courts, or other guardians. It could be modeled in terms of the manner in which the exercise of prisoners' rights is supervised by guards, wardens, or courts. Or it could be understood in terms of the mode in which the exercise of patients' rights is entrusted to relatives, doctors, or courts. At this point, the defense could get very

complicated; because in detail, each of these fiduciary rights relationships differs from the others in operation and rationale.

Leaving such complications aside here, however, this fiduciary defense of 'group rights' could eliminate epistemological individualism as a reason for rejecting the concept in question. Still, two remaining problems caution against leaping immediately to embrace of this line of argument.

On the one hand, fiduciary conceptions of group rights would risk systematic subordination to individual rights. Such group rights could easily be seen as a sort of augmentation to the power of those particular members most visibly entrusted with their exercise. Since some theories regard (individual) rights as protections against excessive power on the part of groups or individuals, group rights so conceived could be restricted a priori to bow before individual rights. They might remain "rights" in the sense of categorical superiority over (individual) interests. Yet such "group rights" would fail to fit either the common claims of conflict between group and individual rights or the preponderance of rights currently recognized of individuals. Indeed, as should become clear by the last section of my argument for group rights, rigid subordination of them to individual rights would prevent some of the best contributions that theories of rights could otherwise make to addressing current issues in the practices of rights.

On the other hand, fiduciary conceptions of group rights would be vulnerable to confusion with one or more of the three philosophical individualisms: ontological, epistemological, and methodological. Conceiving the exercise of group rights as entrusted to the judgment, decision, voice, and action of group members and/or leaders could easily be mistaken for contending that the rights at issue are actually borne by the individual members and/or leaders, rather than the group itself. This mistake is much more difficult to make when institutions are included in the fiduciary agent

of group rights; but even then, the methodological individualist would want to dissolve such institutions into component individuals. Thus any philosophical individualist -- and the methodological kind especially -- might be inclined to claim that the ordinarily admitted distinction between bearing and exercising rights collapses in the context of rights allegedly borne by groups. Typically, children should grow into the full and independent exercise of rights; inmates and patients were once and could again be capable of the same. But on the fiduciary understanding, groups are never capable of the full and independent exercise of rights. Thus the methodological individualist could have some reason to recommend against talking in terms of group rights. Of course, this could never be a conclusive philosophical objection, at least unto itself, but it could carry practical weight.

More broadly, fiduciary conceptions of group rights could be accused of overlooking the impressive reasons for considering groups to exercise their own rights, fully and independently. This blends into the point about treating (some of) the institutions within groups as the faculties for judgment, decision, voice, and action of groups. It also merges with the final reply to epistemological individualism as a reason for rejecting 'group rights.'

Thus third, the requirement of ratiocination can be met by groups. This is a basic premise of the political theory of representation, which shows how groups can and should go about conceiving, constituting, committing, and criticizing themselves as coherent units. The principles of group judgment, the processes of group decision, the precepts of group voice, and the practices of group action: these are the heart of representation theory. They firmly establish the ability of groups to judge, decide, speak, and act for themselves. Accordingly, there is no need to qualify 'group rights' with restrictions of the kinds perhaps appropriate for children, prisoners, and

patients -- let alone rocks, plants, and animals. In no respect, then, is epistemological individualism a good reason for rejecting or restricting the possibility that groups can have rights.

METHODOLOGICAL INDIVIDUALISM

There is a large literature on methodological individualism, which has been argued more ways than either its advocates or opponents can keep straight.[11] Methodological individualism has influenced the social sciences as an appendage of behaviorism. It is closely related to logical positivism and empiricism as accounts of scientific explanation.[12] Perhaps the four main proponents of methodological individualism have been Friedrich von Hayek, Karl Popper, J. W. N. Watkins, and May Brodbeck -- although many others have voiced various of its views. Perhaps the four most telling critics of methodological individualism have been Maurice Mandelbaum, Ernest Gellner, Stephen Pepper, and Steven Lukes -- although many others have taken shots at its tenets. In some sense or other, and with all sorts of variations, proponents of methodological individualism hold that: at the most fundamental level, all explanations of group phenomena are reducible in principle to explanations in terms of individuals. This is not a claim about existence, knowledge, or ratiocination; it is instead a claim about science, theory, or explanation.

Methodological individualism is said to surmount the dangers of methodological holism, methodological socialism, organicism, or the like. In Watkins' words:

> [M]ethodological individualism is contrasted with sociological holism or organicism. On this latter view, social systems constitute "wholes" at least in the sense that some of their large-scale behaviour is governed by macro-laws which are essentially sociological in the sense that they are sui generis and not to be explained as mere regularities or tendencies resulting from the behaviour of interacting individuals. On the contrary, the behaviour of individuals should (according to sociological holism)

> be explained at least partly in terms of such laws (perhaps in conjunction with an account, first of individuals' roles within institutions, and secondly of the functions of institutions within the whole social system). If methodological individualism means that human beings are supposed to be the only moving agents in history, and if sociological holism means that some superhuman agents or factors are supposed to be at work in history, then these two alternatives are exhaustive.[13]

Proponents of methodological individualism claim that it is the only way to avoid methodological holism and the concomitant danger of moral bankruptcy or political oppression. Critics have disputed the alleged link between methodological holism and moral irresponsibility or political corruption, they have denied the claim of dichotomous choice between methodological individualism and methodological holism, and they have rebutted methodological individualism itself.

There are at least seven theses explicit or implicit in extant arguments for methodological individualism. I will label them the theses of: (1) explanation, (2) determinism, (3) ontology, (4) reduction, (5) prohibition, (6) testability, and (7) dichotomy. Discussing each in turn, I will call attention to its possible implications for 'group rights.'

1s=2The Explanation Thesis

In social science (and perhaps even in history), explanation is adequate only if it is deductive-nomological. Sometimes termed the hypothetical-deductive (H-D) model instead, the deductive-nomological ideal of explanation is standard in logical positivist and empiricist treatments of scientific explanation. In essence, H-D accounts strive to guarantee to reliability of contingent causal connections among events by using laws to lay down a deductive nexus. Events are explained by their subsumption under such laws:

> The H-D model portrays the explanation of particular events by laws which invoke the necessary causal consequences of initial (or, antecedent) conditions. Such laws are usually conceived as empirical generalizations of some sort. The more rudimentary and restricted of them are said to be explained in turn by "higher order" laws or generalizations. The notion of "theory," insofar as it is ever discussed by such H-D philosophers, seems to suggest a systematically inter-related collection of those laws regarding a single subject matter. ... The H-D model usually is said to display the supposed symmetry of explanation and prediction. Finally, the H-D model focuses on the context of justification, as it has been

called, rather than on the context of discovery.[14]

This is one of the two theses absolutely crucial for methodological individualism. In one way or another, every other thesis except that of ontology depends upon the explanation thesis. For the H-D model casts questions in terms of what caused history to happen the way it did, rather than simply what it was that did happen historically. Similarly in social science, the H-D model asks what caused society to be the way it was or a group to do what it did, instead of why society was the way it was or a group did what it did.[15] It carries no direct implications for 'group rights,' but it does set up several indirect implications in what follows.

ls=2The Determinism Thesis

The individual is the maker rather than the product of society.[16] Methodological holism is said to be "well-nigh equivalent to historicism, to the idea that a society is impelled along a pre-determined route by historical laws which cannot be resisted but which can be discerned by the sociologist."[17] Methodological individualism denies such determinism:

> The central assumption of the individualist position -- an assumption which is admittedly counter-factual and metaphysical -- is that no social tendency exists which could not be altered if the individuals concerned both wanted to alter it and possessed the appropriate information. ... This assumption could also be expressed by saying that no social tendency is somehow imposed on human beings 'from above' (or 'from below') -- social tendencies are the product (usually undesigned) of human characteristics and activities and situations, of people's ignorance and laziness as well as of their knowledge and ambition.[18]

Of course, this denial of determinism arises from distaste for the view that social forces somehow cause individuals to be as they are and do as they do.

This view is an afront to the (standard liberal) ideas of moral responsibility advanced by many an advocate of methodological individualism.[19] In fact, although perhaps not in intention, the determinism thesis is often little more than a device for presenting one or another practical individualism (of economics, romanticism, ethics, or politics) in the guise of a philosophical individualism. The gain to the individualist is that such an abstract, philosophical position as methodological individualism seems somehow less contestible and more categorical in its repudiation of cultural concepts like 'group rights.' Handed down from on high, it seems unsullied by biases of personal interest and political power. It seems fit to redirect practices precisely because it is not part of them, but instead derives from the pristine conduct of philosophy. Yet the very capacity of philosophy to become relevant to practice should be enough to dispel any pretense of purity. And if further

considerations are required, the arguments against epistemological individualism should clinch the case: philosophy is culturally conditioned, no matter what some might hope. Thus in the instance at hand, the determinism thesis is as much a covert individualism of politics and the like as it is a methodological individualism.

If social or group agency is conceived in this fashion to portend (indeed, to cause) the eradication of individual freedom, then plainly the particular agencies designated by 'group rights' must be opposed by the methodological individualist. Notice, however, that this argument about the abolition of individual freedom by group rights depends entirely upon the (mechanical, material) conception of cause invoked to comprehend group rights. In turn, the H-D model of explanation is what interjects this conception of cause into the 'group rights.' Find a nondeterminist substitute for the H-D model of explanation, and there remains no reason to regard any and every exercise (let alone the very concept) of group rights as an eradication of individual freedom and responsibility.

The Ontology Thesis

Societies, institutions, groups, and the like are ontologically dependent on individuals, whereas the reverse is not the case. Danto notwithstanding, it is clear that at least Watkins (and probably many others) could be said to hold a version of this thesis. For he says that methodological individualism does not apply "where some kind of physical connection between people's nervous systems short-circuits their intelligent control and causes automatic, and perhaps in some sense appropriate, bodily responses." Watkins does not think that this exception is a serious challenge to methodological individualism, because he believes that such "mob-organisms" have only "a fleeting existence."[20] This whole line of thought strikes me as surpassingly odd, since few have thought in such terms and since admitting even fleeting existence of "mob-organisms" would seem to discredit the basic idea behind methodological individualism. And in any event, the exception here proves the rule, since "mob-organisms" are an exception precisely because they are groups not ontologically dependent (in any sense?) upon individuals.

Indeed, given the Humean conception of causation which informs methodological individualism, can such an ontological individualism be far behind? A vision of David Hume's billiard balls can hardly fail to dance in our heads during the discussion of "interacting individuals" by methodological

individualists. For them, groups simply are the interaction-events arising from -- and therefore to be explained in terms of -- individuals. The methodological individualist inclines toward imposing this view through some sort of philosophical fiat. But as John Gunnell has argued, "the reality of groups is properly speaking neither a theoretical nor a philosophical question, but an empirical (historical) question. When it is raised to the level of theory and metatheory, confusion is the result. Ontological and methodological individualism try to answer concrete questions of practice with abstract visions and a priori definitions. This particular kind of theorizing can never override practical decisions and self-understandings. In the end, my previous consideration of 'group rights' in the context of ontological individualism should suffice as well for this ontology thesis.

The Reduction Thesis

Explanations in terms of groups and institutions must be reducible to explanations in terms of individuals, at least in principle. May Brodbeck represents most methodological individualists when she concedes that group characteristics occur, but insists that "in principle ... all such [social] concepts must be definable in terms of individual behavior." The key point is that the reduction thesis derives from the explanation thesis. "Reduction ... involves deduction. Explanation ... is achieved by deducing what is to be explained from true premises. ... The deduction by which reduction is achieved also serves to explain." Explanations in terms of groups are reducible to explanations in terms of individuals by the laws that explain events in terms of individual motivations, perceptions, and so on. Typically, the laws which perform such reductions are called "composition laws."[21]

At this point, the proponents of methodological individualism split into two schools. Some hold that the possibility in principle of such reduction can be known a priori.[22] Others hold that it can be known only a

posteriori, but that there can be and are good reasons for believing that such reduction can and will be accomplished.[23] The latter position, while perhaps somehow more true to the spirit of empiricism, appears to constitute a self-destructive compromise. For if there are "good reasons" for believing that such reduction can and will be accomplished, those reasons unavoidably seem to justify the stronger version of the reduction thesis. In either case, methodological individualists usually admit that the possibility of such reduction is strictly a possibility in principle, since "in practice ... we frequently cannot do this."[24] Rather than regarding it as evidence against the reduction thesis, advocates of methodological individualism attribute this practical impotence to the many (temporary?) shortcomings said to distinguish the social sciences from the natural ones.[25]

Were the reduction thesis correct, then the phenomenal evidence for recognizing group rights would be worthless. Even though participants in a wide variety of practices might understand their activities in terms of group rights, the reduction thesis insists that their explanations can always be reduced to explanations in terms of individuals (whether of individual rights or other individual predications would depend upon the practice). To say the least, this would strongly discourage a serious discourse of group rights. But the reduction thesis, like the other aspects of methodological individualism, depends upon the theses of explanation and ontology: the former to deduce individuals from groups and the latter to identify the individuals as more fundamental. As explained below, discrediting the theses of explanation and ontology removes the reduction barrier to 'group rights.'

The Prohibition Thesis

Sounding like "conservatives" who condemn "bleeding-heart liberals" for excusing crimes just because of the bad upbringing of the criminals, many proponents of methodological individualism insist that individual behavior

neither can adequately nor should casually be explained in group terms.[26] Obviously, this reverberates with concerns central also to the determinism thesis. Just as obviously, it strikes at the heart of 'group rights.' For it means that no explanation of individual action as "done out of recognition for a group right" could be valid. And as suggested earlier, if all group rights must go unrecognized by individuals, then 'group rights' will be hollow indeed. But most obviously, the prohibition thesis depends upon the reduction thesis. Explanations of individual behavior in group terms can be prohibited only if all explanations in group terms can be reduced to explanations in individual terms. When the reduction thesis is invalidated (below), so is the prohibition thesis.

The Testability Thesis

According to methodological individualists, explanations in history and social science can be tested adequately only through observation of individuals. Abraham Kaplan contends that this is the central thesis of methododological individualism, which "is defensible only as the insistence that sooner or later we are committed to observations on individuals if we are to give our statements empirical anchorage."[27] But from Kaplan's own phrasing, it is plain that the testability thesis derives from the ontology thesis: to be tested well, explanations must be anchored adequately; since individuals are the bedrock reality of the cultural world, then every adequate explanation must be tested in terms of them. Because the ontology thesis in particular and ontological individualism in general have been disputed already, there is no need to repeat my earlier arguments, which should suffice to rebut this testability thesis and its threat to 'group rights.' In fact, the repercussions of the testability thesis for 'group rights' are similar to those of the prohibition thesis.

The Dichotomy Thesis

As noted from the outset of this section, proponents of methodological individualism take it and methodological holism to be mutually exclusive and exhaustive alternatives. Thus any view which violates methodological individualism must commit "the holistic fallacy." To depart from methodological individualism is to reify social concepts, commit the fallacy of misplaced concreteness, embrace the theoretical bias of substantialism, or something equally pernicious.[28] Indeed, methodological individualists believe the dichotomy thesis to be logically, definitionally guaranteed.

Were this so, then 'group rights' would have to be holist. And since methodological individualists view tyranny and totalitarianism to be virtually logical implications of even methodological holism, the dichotomy thesis would set 'group rights' up for definitive political rejection. Fortunately, probably the weakest part of methodological individualism is the dichotomy thesis. For it is the methodological individualists' clever, covert leap from ontology and explanation to politics. It is their attempt to define (rather than demonstrate) the perverse political implications of concepts like that of group rights. Not only do methodological individualists fail to support the dichotomy thesis, they scarcely try. As critics have shown, moreover, of all the theses of methodological individualism, the dichotomy thesis is perhaps the most easily discredited.[29] Certainly it depends utterly upon the explanation and ontology theses, for unless both of them are correct, then the dichotomous choice between methodological individualism and methodological holism is dissolved.

ARGUMENTS AGAINST METHODOLOGICAL INDIVIDUALISM

The most devastating early criticisms of methodological individualism are those by Maurice Mandelbaum. Mandelbaum's attack is directed primarily against the reduction thesis:

> [S]ocietal facts are as ultimate as are psychological facts [hence] concepts which are used to refer to the forms of organization of a society cannot be reduced without remainder to concepts which only refer to the thoughts and actions of specific individuals. ... [T]he actual behavior of specific individuals towards one another is unintelligible unless one views their behavior in terms of their status and roles, and the concepts of status and role are devoid of meaning unless one interprets them in terms of the organization of the society to which the individuals belong.

Thus first, Mandelbaum argues for the irreducibility of social facts, claiming that:

(a) in understanding or explaining an individual's actions we must often refer to facts concerning the organization of the society in which he lives, and

(b) our statements concerning these social facts are not reducible to a conjunction of statements concerning the actions of individuals.

Mandelbaum justifies this claim by using examples of institutions drawn from anthropological field work. He shows that social concepts (or facts) cannot be explain or understood without invoking other social concepts. Further, he demonstrates that this difficulty applies in principle as well as in practice. At best, only partial translation from the language of group entities and actions to that of individuals and their actions can be achieved. Thus the reduction thesis of methodological individualism is rebutted.[30]

Watkins' response to Mandelbaum's criticism is most revealing. The issue, Watkins insists, is not whether there are irreducible social facts, but whether there are irreducible social laws. Watkins claims that all laws regarding social forces are reducible or translatable into laws concerning the typical dispositions of anonymous individuals.[31]

Accordingly, several critics of methodological individualism have set about to show that there are indeed irreducible social laws, which nonetheless are not holistic. Mandelbaum distinguishes four different types of laws,

crossing one distinction between laws of functional relation (synchronic) and those of directional change (diachronic) with another distinction between laws about one or more aspects of society (abstractive) and those about whole societies (global). Only diachronic-global laws -- the sort associated with speculative philosophy of history and the last of the four types distinguished -- are methodologically holistic. Even if methodological individualists were correct in connecting methodological holism with political oppression, there would still be three types of social laws which avoid this trap.[32] Taking a different tack, Leon Goldstein maintains that only synchronic laws are compatible with methodological individualism. He notes that Watkins and company give only synchronic examples.[33] Ernest Gellner pursues a somewhat similar argument.[34]

All this is helpful, but Watkins and other methodological individualists continue to insist that any nonindividual examples of valid explanations can in principle be reduced to explanations in terms of typical dispositions of anonymous individuals.[35] One thing to do at this point is to challenge the counterfactual gambit behind insisting what can be done in principle, even when it not only cannot now be done in practice, but no one can yet sketch how it might ever be done. In this spirit, Lukes separates four possible predicates applicable to individuals:

(i) genetic make-up, brain states
(ii) aggression, gratification, stimulus-response
(iii) co-operation, power, esteem
(iv) cashing checks, saluting voting

Like other critics of methodological individualism, Lukes accepts the explanation thesis, at least for purposes of argument. Even so, he argues that methodological individualism is fails to gain support from even one of

these four types of predicates. Of type (i), he rightly observes that, since "no one has given the slightest clue as to how [it] might plausibility be achieved, there seems to be little point in taking it seriously, except as a problem in philosophy." Of type (ii), he says much the same thing. Of type (iii), he admits that "there may indeed be valid and useful explanations of this type," but points out that methodological individualism at this level would almost have to depend upon asserting the basic sameness of humans the world over. But even then there would be a need nonetheless for laws in terms of institutions and societies, if only to explain the among them. And of type (iv), he notices that a methodological individualism on this level would be "harmless, but also pointless." For type (iv) propositions "presuppose and/or entail other propositions about social phenomena. Thus the latter have not really be eliminated; they have merely been swept under the carpet."[36]

But not even Lukes' criticism seems fully effective as a philosophical reply to the reduction thesis of methodological individualism. He like other critics, slides too easily past the explanation thesis. With the reduction thesis largely dependent upon the explanation thesis, no critic of methodological individualism can afford to do that. For then the advocate of methodological individualism falls back upon the H-D model of explanation to support the conviction that somehow the desired translation to individual terms can be effected. Were ontological individualism removed as a reason for insisting upon such translation, there could be other reasons (of ethics, politics, etc.) for wanting to reduce group concepts and explanations to individual terms. An adequate criticism must reject both the explanation and ontology theses, for they are the two keys to methodological individualism. Still. Lukes' move is not without merit. Surely, to show the irreducibility of social concepts, facts, and laws helps to establish the viability of 'group rights.'

Furthermore, from the standpoint of 'group rights,' it is an especially good idea to pose Lukes' kind of challenge to the philosopher's in-principle approach. The implication of such a challenge is that abstract and a priori niceties of philosophy need not call the tune in the dances of everyday life. Even if methodological individualism were correct concerning principles of scientific or philosophical explanation, it would still not follow without further argument that those principles would (or even could) be pertinent to politics, ethics, etc. In the absence of overriding reasons, we should start with the practices of rights in their own terms, including groups more or less as they do.[37] While there is good reason in general to be wary of a priori prohibitions inspired by abstract philosophy, there is plain reason in particular to avoid the prohibitions of methodological individualism, which seems peculiarly insensitive to the possibilities current and foreseeable in practice.

A second approach taken by critics of methodological individualism is to challenge the ontology thesis. Here the strategy is to distinguish between methodological and ontological individualisms, to argue the dependence of the former on the latter, and thereby to discredit the former by discrediting the latter. For example, Gellner argues that "what is at issue is the ontological status of the entities referred to by holistic terms."[38] Plainly, I endorse the basic distinction here, not to mention the idea that ontological individualism is untenable. But if methodological individualism may be separated from ontological individualism, then refutation of the latter is not by itself refutation of the former.[39] Moreover, critics of methodological individualism have not done an especially convincing job in trying to discredit ontological individualism, leaving the overall argument in some question.

The latter shortcoming is evident in the effort of critics to rebut the

testability thesis of methodological individualism. Unfortunately, some critics have accepted one or another version of the testability thesis, thereby stumbling toward tacit acceptance of the ontology thesis. Even Mandelbaum is an apt example here. He insists upon partial translatability of group terms into individual terms, in order that testability be insured:

> Yet it is important to insist that even though societal concepts cannot be translated into psychological concepts without leaving this societal remainder, it is not only possible but is indeed necessary to make the partial translation. ... [F]or unless we do so we have no means of verifying any statements which we may make concerning these societal facts. ... [But] the translation can never obviate the use of societal concepts and reduce the study of society to a branch of the study of the actions of individuals.[42]

Why Kaplan or Watkins would want such a thesis is clear. But why would Mandelbaum? If the "translation" is only partial, so that a nexus of group concepts inevitably remains, how could the portion translated be thought to allow testing of the nonindividual law? Presumably the remaining social concepts would constitute a rupture in deduction ("translation"), preventing the putative social laws from "contacting" the reality against which they were to be tested.

Again, it seems clear that such acceptance of the testability thesis comes from acceptance of the ontology thesis. For some reduction to individualist language is necessary in order to insure testability only if individuals alone are, as it were, "really real." Like Kaplan, Mandelbaum accedes both to the explanation thesis and to the possibility of only partial translation (reduction). Since only partial reduction is possible, however, the deductive nexus required to render putative social laws testable can never be achieved. If both the explanation and ontology theses are accepted, then partial translation (reduction, deduction) can never be good enough to render the testability thesis acceptable. Even if the ontology thesis is rejected,

any other reason for keeping individuals in the forefront of social explanation of the H-D kind would be sufficient to generate something similar to methodological individualism. With the practical individualisms (of economics, romanticism, ethics, and politics) as possible substitutes for the ontology thesis, then, the critic of methodological individualism cannot fully succeed by discrediting ontological individualism alone. The explanation thesis, too, must be rebutted.

Methodological individualists propose laws concerning the "typical psychological dispositions of anonymous individuals" as the acceptable substitute for social laws.[42] Critics who have focused upon this move have come closest to an adequate challenge to the explanation thesis of methodological individualism. They argue that the "typical psychological dispositions of anonymous individuals" are the rules, roles, institutions, and the like that methodological individualism indicts as "social forces." Thus these critics try to demonstrate that methodological individualism covertly -- and perhaps unself-consciously -- smuggles social concepts and laws in the back door, after ceremoniously kicking them out the front. Indeed, methodological individualism must do this in order to remain attractive on the surface, since the need for social concepts and laws would otherwise render it blatantly absurd.

Peter Winch is the main source of this kind of criticism. Winch draws upon (the later) Wittgenstein to show that social concepts and laws are just as or even more fundamental in explanation than are individual dispositions. Contrary to methodological individualism, such concepts and laws are not mere constructs of historians or social scientists. "Popper's statement that social institutions are just explanatory models introduced by the social scientist for his own purposes is palpably untrue. The ways of thinking embodied in institutions govern the way the members of the societies studied

by the social scientist behave."[43] Talk of "laws," "typical" dispositions, and "anonymous" individuals is all social, institutional. The putatively causal sources of that typicality would be just as hard for the individual to resist as the putatively causal sources for the regularities expressed in social laws. The problem of determinism would be just as great for methodological individualism as for the methodological holism rejected for that reason (in part).

To this point, Winch's kind of criticism goes no farther than the defense of irreducible social facts and laws propounded by Mandelbaum (and others). But it prepares the way for direct contravention of the explanatory thesis. A. R. Louch takes the extra step needed for this:

> Watkins' dilemma [dichotomy thesis], however, rests on an assumption incompatible with the thesis of moral explanation, namely, that motives are occurrences residing in individuals and functioning in scientific laws as constructs. First, psychological concepts ... are not unobservable (and therefore hypothetical) dispositions determining behaviour, but the reasons which, in special situations, warrant action. There is no logical gulf to be crossed or logical barrier to be breached in applying moral explanations to society. And second. Watkins treats psychological explanations as hypothetical, because he endorses the view that all adequate explanation is of the hypothetico-deductive form. He views human action in the way we view physical objects, as determined by antecedent conditions. The reifying sociology to which he objects is, of course, a direct consequence of the attempt to treat social processes as physical facts.[44]

Seeking to account for social occurrences as physical events generated and connected by Humean causation is behind the imposition of the H-D model of explanation. Unless critics challenge that conception of explanation, methodological individualism remains all too easy to slip in the back way.

Advocates and critics of methodological individualism have conceived desires, needs, dispositions, and the like as names for events which (mechanically, materially) cause subsequent events. Reject this in favor of conceiving them to be social patterns (rules, values, etc.), and the need to

reduce everything to individualist language is eradicated: for Humean causal connections are then no longer needed in order to explain events. As Louch has remarked, "to say that a society has needs is to see its rather complex activities as being sustained or supportable only by certain means. It is not to ascribe to it peculiar properties that somehow cause society to be as it is."[45] Some critics of the H-D model describe this alternative as the exercise of understanding (Verstehen) rather than explaining (Erklaren). If so, then it must be emphasized that such understanding is more than mere heuristic, that it spans the contexts of both discovery and justification. The making-sense involved in this is itself a testing and verification, albeit in somewhat different ways from those rational reconstructions dear to the project of logical positivisms and empiricisms.[46]

Methodological individualism depends in part on the idea that -- as analysis -- acceptable (scientific?) explanations must move across classes of entities (or constructs). That is, explanations must end with entities different from and independent of those with which they began. The answer should appeal to different terms from those in which the question was framed. This is reasonable, and even people who reject the H-D model of explanation endorse this requirement of "semantic distance," as we might call it.[47] But it does not require that explanations of social events reduce them to individual interactions. Neither testing nor any other valid purpose requires that. As Friedrich Waismann has shown, explaining social events by appeal to social patterns does constitute appeal to a different language stratum.[48]

Proponents of the explanation thesis could be expected to respond that such "explanatory" connections among events would be analytic rather than synthetic (empirical, contingent, causal), and that therefore an identity relation holds between these allegedly distinct strata of language.[49] But

as Waismann implies and Richard Zaffron elaborates, the connections are "weakly" rather than "strongly" analytic. Although identity is established across the language strata, it holds only where and because identity transformations have been performed. In other words, it holds only because it has been shown through detailed argument that the social events to be explained are identical with the social patterns which we already have reason to understand. Thus the "semantic distance" between the initial description of the events to be explained and the concluding description accepted in explanation of them is great enough that we had not appreciated that the references of the two descriptions were the same until the explanation (identity transformation) was performed. We had to execute a "semantic level jump" to move across the two language strata. The meanings of the descriptions were different for anyone who needed the explanation offered; that the descriptions were actually the same was news to that person, who needed to have the validity of the explanation (the assertion of identity between descriptions) demonstrated.[50]

Thus methodological individualism errs in asserting that the semantic jump must always be from "the language of social events" to "the language of individual interactions." With the ontology thesis discredited, methodological individualism must at least admit that explanations can occur when jumping in the reverse direction. But with the explanation thesis rejected, methodological individualism collapses. Because there are many nonindividual languages (and because there are language strata about individuals but different from that of individual interactions), significant explanations can be generated from other jumps altogether. For example, the semantic distance sufficient to avoid triviality and gain true explanatory power can be achieved by jumping the language stratum of social events to those of institutional processes, role behavior, social values, and so forth.

Moreover, methodological individualism errs in asserting that a strongly analytic connection (strict deduction) could be established between the languages of social events and individuals. Even if the significantly "social" language of individual dispositions is at issue, only a complex or qualified identity relation could tie it to the language of social events. This is Mandelbaum's point about how only partial translation (weak analyticity, complex identity) can be achieved. As Waismann wrote, even terms common to the two languages are "systematically ambiguous."[51] And if the strictly individual language of individual actions is at issue, then few (if any) direct jumps will be possible from the language of social events. (That is why even methodological individualists tend to turn to the language of individual dispositions, which they mistakenly allege to be a strictly individual language.)

Thus the H-D reliance upon strongly analytic connections (of definition, deduction, reduction, or whatever) is ill-advised. The same can be said of the H-D conception of explanation as deductive subsumption of particular events under general laws. This H-D distinction between particular events and general laws is so easily confused with the distinction between individual interactions and social laws that methodological individualism is hard to exorcise unless the H-D model is challenged and these two distinctions are kept separate. But when these moves are made, especially in connection with discrediting the ontology thesis, then methodological individualism disintegrates.

In its place remain the explanatory requirement of semantic distance and what I call the "funnel-flower philosophy" of relationship in general between individuals and institutions (etc.). The requirement of semantic distance makes clear that adequate explanation involves some semantic jump, not necessarily one between talk about individuals and talk about institutions.

On many occasions, a question phrased in group terms should be answered in terms that are semantically distant, but still are group terms. Hence the principle of semantic distance is not a general philosophy of (even explanatory) relationship between individuals and institutions. If anything, the principle of semantic distance might discourage pursuit of such a general perspective, on the grounds that anything general might mislead in one particular instance or another.

If only to be persuasive to those whose desire for a general philosophy would otherwise lead them into methodological (or some other philosophical individualism), though, we might still desire some general statement of the explanatory relationship between individuals and institutions. The best that I can think of is the funnel-flower principle. This states that in-depth studies of individuals tend toward societal terms, while in-depth studies of societies tend toward individual terms. Neither enjoys general priority over the other, either ontologically or methodologically. In other words, to funnel in upon the individual is to flower out upon society, and vice versa. This principle is illustrated innumerably by depth psychologies and role sociologies. Indeed, it is so familiar from the everyday work of the humanities and social sciences, where inquirers continually pass back and forth between individual and social concepts that it is no wonder the methodological individualists did not turn to the actual practice of inquiry to support their doctrine.

Discrediting the explanation and ontology theses of methodological individualism is enough to discredit the doctrine as a whole. Thereby, all the philosophical individualisms are eliminated as barriers to recognizing group rights, and we are ready to turn to the more practical individualisms, where the objections to recognizing group rights are very different in appearance.[52]

ECONOMIC INDIVIDUALISM

That some of the most tenacious proponents of methodological individualism are to be found among economic theorists is no accident. As suggested above, methodological individualism is mostly a philosophical vehicle for other, more practical commitments. (The same is true of the two other philosophical individualisms, although perhaps less obviously and directly.) As a rule among social scientists, not even psychologists are more ferociously individualist than economists. The variously sophisticated assertions of methodological individualism by economists (and many others) mask a different and more substantive species of individualism that I call "economic."

Economic individualism is close to what Lukes has described under the heading of "The Abstract Individual":

> According to this conception, individuals are pictured abstractly as given, with given interests, wants, purposes, needs, etc.; while society and the state are pictured as sets of actual or possible social arrangements which respond more or less adequately to those individuals' requirements. Social and political rules and institutions are, on this view, regarded collectively as an artifice, a modifiable instrument, a means of fulfilling independently given individual objectives; the means and the end are distinct. The crucial point about this conception is that the relevant features of individuals determining the ends which social arrangements are held (actually or ideally) to fulfil, whether these features are called instincts, faculties, needs, desires, rights, etc., are assumed as given independently of a social context. This givenness of fixed and invariant human psychological features leads to an abstract conception of the individual who is seen as merely the bearer of those features, which determine his behaviour, and specify his interests, needs and rights.[53]

As it is, however, this account could almost serve as a summary for any of the three philosophical individualisms, since their hallmark is such abstraction of "the individual" from all context and most content. Yet there is some content to this conception: the emphasis on means/ends calculation, the instrumental idea of social and political institutions, the notion of fixed

and invariant psychological features which determine behavior, etc. Already this leans toward economic individualism, and what would turn it entirely in that direction is the addition of two substantive commitments that Lukes omits from his portrait of "the abstract individual": competition and privacy.

"The abstract individual" in Lukes' sense has not always been associated in any obvious way with an interest in competition. The philosophy of Immanuel Kant comes to mind as one evocation of "the abstract individual" not directly tied to competition. But even that philosophy is connected in subtle and sometimes profound ways with what we often call "bourgeois civilization," which is undoubtedly one of the main embodiment of the ethos of competition in the history of humankind. Similarly subtle, but typically compelling connections to competition can be found in most other projections of "the abstract individual" that remain devoid of more obvious and direct ties. Moreover, the element of competition is seldom submerged at all, so that "the abstract individual" is usually presented as "the economic individual" in some significant sense.

The practical import of adding competition to the idea of "the abstract individual" is to turn that idea toward the ideologies of free-market meritocracy and liberal pluralism. This rotates competition toward extreme, almost for- or unto-itself forms that could collectively be called "competitivism." Their very extremity pushes them toward self-destruction in practice, where they are stringently avoided, even by the few economic individualists who proclaim their virtues in principle. Well short of such extremity, the commitment to individual competition is a distinctive and compelling part of economic individualism. Competition is considered the main guarantor of productivity, creativity, and truth itself. For economic individualists, even freedom and equality are fundamentally matters of competition: freedom consisting of choice among competitions and

participation in them; equality defined in terms of conditions for same.

The global ideal of individual competition in a free market or more generally in a free society is surely at loggerheads with recognizing group rights. And thus it is no surprise to find so many economists and classical liberals who oppose any such thing as group rights on fundamental principle. For them, anything that smacks of group rights is (or should be?!) suspect: admissions or job quotas, closed shops, government subsidies, tariffs, etc. And that is before one even gets past "economic" issues to "social" and "political" ones. (An emphatic—and I would say exaggerated—separation among these spheres is an important part of economic individualism. Insofar as such group-rights practices are (often grudgingly) accepted or (infrequently) celebrated by economic individualists, their (attempted) justifications are apt to be basically individualistic: utilitarian, contractarian, etc.

From the perspective of a slightly qualified principle of individual competition, group rights are simply perverse. They represent precisely the sort of personalistic bias which distorts free and efficient markets and shortcircuits the drive and dynamism of (what would otherwise be) a pluralistic, meritocratic society. They divorce entitlements from deserts, foster favoritisms that reduce effectiveness, degrade individual (self-)worth, impede personal freedoms, and generally impose boundaries where no boundaries should be. Recognizing group rights could also encourage the outrage of political intervention into economic and social affairs, which should stay largely (if not strictly) private. From the standpoint of competition, the minimal danger posed by group rights is a sort of regression to traditionalism, with its individually oppressive and commercially irrational restrictions. The maximal threat is authoritarian intervention by the state or some other group, calling competition to a virtual halt and imposing some corporatist or otherwise anti-pluralist and meritocratic regime.

Thus these hostilities of economic individualism toward group rights are reinforced by adding the second substantive commitment which separates "the abstract individual" from "the economic individual":

> [T]he notion of privacy, of a private existence within a public world, an area within which the individual is or should be left alone by others to do and think whatever he chooses -- to pursue his own good in his own way, as Mill put it. ... In general, the idea of privacy refers to a sphere that is not of proper concern to others. It implies a negative relation between the individual and some wider 'public,' including the state -- a relation of non-interference with, or non-intrusion into, some range of his thoughts and/or action. This condition may be achieved either by his withdrawal or by the 'public's' forbearance. Preserving this sphere is characteristically held by liberals to be desirable, either for its own sake as an ultimate value, or as a value to be weighed against other values, or else as a means to the realization of other values...[54]

Privacy, like competition, is prized in fairly pure form by economic individualism. At the most extreme, which economic individualism seldom reaches, various "privatisms" can emerge. Like competitivisms, these tend to be self-destructive and therefore seldom practiced, although more often celebrated in principle. But again, classic liberalism is the more common measure of privacy as embraced in economic individualism. Keep the state and others out of my private business (unless I invite them in); there I should be the one to decide what to think, say, and do.

For economic individualism, group rights represent invasion of privacy. At best, this could occur in the context of a return to traditionalism, with its individually stifling and commercially inefficient communities, where what privacy remains is reduced to insignificance, stupidity, and idiocy. At worst, this could occur in the context of a creeping totalitarianism, with its simultaneous eradication of private and political freedom to boot, where the individual is reduced to a robot of the state. The old, idealist liberal notion that group rights could and would be needed to protect individuals against

dictatorial and especially totalitarian states is regarded by economic individualists as naive: both in thinking that such groups could withstand the onslaught of any determined authoritarian, let alone totalitarian, regime and in thinking that such groups could refrain from becoming quite dictatorial, or even totalitarian, themselves. (But what about the Roman Catholic Church or even the free trade unions in Poland?)

For economic individualists, it is the most natural thing in the world to recognize groups by interests common among otherwise various individuals. But the point about interests is how shifting and even superficial they can be, so that the groups thereby defined should have little permanence (and therefore little power to disrupt the pluralist or meritocratic order). Rights, on the other hand, are more rigid and deep-reaching, so that the groups thereby defined should have substantial power to defend themselves against other groups and especially against individuals (including their own members). Not only would group rights invade the current privacy of individuals and impede the present competition among them, but it would institutionalize today's divisions into tomorrow's disruptions. Even assuming that the group rights awarded today will somehow serve justice in the short run, their inflexibility will inevitably turn them into instruments of injustice in the long run.

Most peculiarly, however, economic individualism depends upon extending rights to at least one group. In fact, granting it far-reaching rights group is admitted by economic individualists to be essential for practicing the principles and fulfilling the interests of economic individualism itself. That group is, of course, the state. The principle of absolute sovereignty of the state, often promoted by economic individualists in their costume as classic liberals, is a clue

to the fears they have of group rights. Struggling with the insubstantial means of "natural" and "inalienable" rights of individuals, liberals have worked and worried very hard to limit the sovereign state and its rights (or the exercise thereof). Somehow, economic individualists must manage to protect the abstract individual from the concrete impediments to competition and invasions of privacy which in small degree promote freedom and merit, but in slightly larger degree produce subservience and mediocrity. Grappling with one group so empowered with rights is threatening enough to individual liberty; why make things worse for the individual by recognizing more?

Ascribing rights to the state is hard to defend in terms of economic individualism: the awkward history of liberal contractarianism shows that. And yet, especially in terms of economic individualism, failing to ascribe rights to the state would be even harder to defend. Every liberal sees that individual rights require some limits: limits which could be said to create those rights in the first place, but must be conceded to sustain them in the long run. Those limits are group rights. There is no way around that fact, even for economic individualism. And thus it must admit the possibility that other rights of other groups are compatible with -- even necessary for -- the individual rights and activities it treasures. A positive argument for recognizing group rights could point with at least prima facie effectiveness to a host of practices in which group rights protect privacy, encourage competition, and otherwise sustain individuality -- not least by saving it from the excesses of individualisms. Aside from that prospect, however, the negative argument here is challenge enough. Economic individualism cannot avoid its dependence upon recognizing at least some group rights.

Yet then economic individualism must address the practices of group

rights more carefully. If not one by one, then still this must be type by subtype, trying to sort among the many variables and results in the manner sought all along by my argument for a theory of group rights. If, despite all these considerations, the economic individualist continues to suspect that all group rights (beyond those of states) are perverse or mistaken, then let there be study of specifics before there is stipulation of definitions or statement of principles. The burden of argument falls to economic individualism to show that all group rights that are not state rights are somehow wrong or undesirable. Since the very existence of a diversity of groups with rights suggests widespread opinion to the contrary, this could not be an easy or straightforward task, to say the least. But until such study and argument are reasonably complete, economic individualism cannot reasonably reject all recognition of group rights.

ROMANTIC INDIVIDUALISM

The highly complicated and somewhat quirky set of ideas clustered around the Romantic celebration of the individual can be regarded as a distinct project of individualism. It is most firmly rooted in Germany, but blossoms forth from time to time in most Western cultures, especially since the nineteenth century. Of Lukes' "basic ideas of individualism," Romantic individualism embraces important parts of the dignity of man, self-development, religious individualism, and ethical individualism.

In other words, Romantic individualism begins with "the ultimate moral principle of the supreme and intrinsic value, or dignity, of the individual human being," but really flowers when it reaches the principle of creative singularity, individuality, or self-development:

> The notion of self-development thus specifies an ideal for the lives of individuals -- an ideal whose content varies with different

> ideas of the self on a continuum from pure egoism to strong communitarianism. It is either anti-social, with the individual set apart from and hostile to society (as among some of the early Romantics), or extra-social, when the individual pursues his own path, free of social pressures (as with Mill) or highly social, where the individual's self-development is achieved through community with others (as with Marx, or Kropotkin). In general, it has the status of an ultimate value, an end-in-itself...

In such strenuous singularity, "the individual believer does not need intermediaries" and "has primary responsibility for his own spiritual destiny." Indeed, Romantic individualism has even recommended the principle that the person is the very creator of morality, a principle finding:

> [I]ts most forceful and influential form with Kierkegaard and Nietzsche and [achieving] full expression in the nineteenth and twentieth centuries. According to this doctrine, the source of morality, of moral values and principles, the creator of the very criteria of moral evaluation, is the individual: he becomes the supreme arbiter of moral (and, by implication, other) values, the final moral authority in the most fundamental sense.[55]

In most of these respects, Romantic individualism takes economic individualism one step farther, producing a cosmology of the creative individual whose singular striving somehow pushes beyond competitive, private, abstract individualism into community.[56]

In regard to group rights, Romantic individualism is more a paradoxical proponent than an opponent. In pushing the individual to the limit, Romantic individualism soon transforms itself into a celebration of group and community: a practical parallel to the funnel-flower principle. This is not only consistent with group rights, but can encourage their extension. In the words of Lukes:

> [T]he personal 'individualism' of the early Romantics very soon became transformed into an organic and nationalistic theory of community, each unique and self-sufficient, according to which, as one recent scholar has said, the individual was 'fated to merge with and become rooted in nature and the Volk' and would thus be 'able to find his self-expression and his individuality.' Moreover, individuality was ascribed no longer merely to persons, but to

> supra-personal forces, especially the nation or the state. ... The state and society were no longer regarded as rational constructions, the reult of contractual arrangements between individuals in the manner of the Enlightenment; they were 'super-personal creative forces, which build from time to time out of the material of particular individuals, a spiritual Whole and on the basis of that Whole proceed from time to time to create the particular political and social institutions which embody and incarnate its significance.'<57>

Thus, Romantic individualism is one important source of the nightmare of holism and nationalism turned totalitarianism that troubles other individualisms in our times.

With friends like Romantic individualism, it might be argued, advocates of recognizing group rights will not need enemies. Before accepting such a conclusion, however, we should remember that the historical association of Romantic individualism and totalitarianism is sketchier than some critics have made it out to be. Moreover, the treatment of most Romanticism as totalitarian is mistaken. It is a product of the inability of other individualists to aggregate individuals into wholes that are not somehow mystified (e.g., reified). In this sense, in fact, the other individualisms (and especially economic individualism) are more likely than the Romantic brands to engender perverse and potentially totalitarian holisms. Having argued elsewhere for this claim, I will not repeat here the specifics in support of it.<58>

But the basic point remains that Romantic individualism is a particularly important inspiration for recognizing group rights, even as it is a particularly troublesome one. Any positive argument for recognizing rights of groups and communities must consider Romantic individualism in considerable detail. Minimally, its paradoxical status as a sort of especially extreme form for economic individualism can offer many clues to the character of some of the more common worries and forceful objections to group rights in our times. Maximally, its peculiar mixture of holism and individualism can

provide many insights into the difficult issues of principle and practice concerning group rights. The accusations of corporatist or totalitarian inclinations of this individualism, precisely insofar as it encourages recognizing group rights, will have to be considered in the context of particular practices the world over. Certainly that would constitute one big step toward the theory of (group) rights for which this (negative) argument is designed to clear the way.

ETHICAL INDIVIDUALISM

As has already been implied, I use this category somewhat differently than Lukes, for whom the fullest sense of "ethical individualism" is insistence on the individual as the source of all morality. As Lukes' own account makes plain, however, that idea is an important part of Romanticism, and therefore I have treated it under the heading of Romantic individualism. As I intend the term, "ethical individualism" can be extended to that extremity, but seldom is. It partakes also of Lukes' religious individualism and his doctrine of self-development. But most centrally, ethical individualism is the exaltation of what Lukes calls "autonomy" or "self-direction": "according to which an individual's thought and action is his own, and not determined by agencies or causes outside his control. In particular, an individual is autonomous (at the social level) to the degree to which he subjects the pressures and norms with which he is confronted to conscious and critical evaluation, and forms intentions and reaches practical decision as the result of independent and rational reflection."[59]

Ethical individualism is a most important and impressive foe of group rights, because it emphasizes the many respects in which recognizing such rights can impede the autonomy of individuals. Although, as I have already argued, some aspects of almost every group right can work to provide or protect aspects of autonomy on the part of some individuals, there is no

advantage in denying the obvious: that group rights significantly abridge other aspects of individual autonomy. Ethical individualism is all the more formidable because it has been articulated and argued by some of the most profound ethical theorists ever: Socrates, Kant, and Kierkegaard among them. So influential have been the moral visions of these and other ethical individualists that their ideas have been the covert inspiration to most of the other individualisms discussed here. For instance, as suggested earlier, it seems fairly clear that the three philosophical individualisms are mostly (confused) covers for commitments to one or another kind of ethical individualism. How can the practices--let alone principles--of group rights stand against the basic criticism they must receive from this most compelling doctrine?

With regard to ethical individualism, the main issues are three. First, how incompatible in principle is it with recognizing group rights? Second, how incompatible in our practices is it with recognizing group rights? And third, how valid is it? Since this is not the place for a full-blown theory of ethics, I will content myself with a few observations on the best answers to each question. Not surprisingly, I take the results to leave intact the rationale of my negative argument for recognizing group rights.

The argument that economic individualism requires a (tacit) recognition of group rights finds a strict parallel in assessing the possible compatibility of ethical individualism with group rights. Many of the major advocates of ethical individualism have argued emphatically for the interdependence of individual autonomy and participatory accession to communal authority in some sense or other. Rousseau and Kant come most quickly to mind in this connection, but the list could be much longer. Indeed, Romantic individualism at its best could be regarded as a persuasive presentation of this point, as well as a provocative spinning of its implications. Given that

"absolute freedom" (of the individual or anything else) is a contradiction in terms, not to mention a disaster in purported practice, any ideology of individual autonomy must ultimately find some limit of the kind contained in recognizing group rights. Of course, the same should be insisted upon the other way around. (Unfortunately, this is a point that at least some Romantic individualists have forgotten from time to time.) But the larger vision arising from this line of thought should evoke some sort of balance and interreliance of group and individual rights upon one another, not an unrelenting hostility between them.

Quick reflection on diverse practices in our everyday lives should dispell the idea that recognizing group rights is some foreign and reprehensible imfringement upon a routine aspiration to ethical individualism. We could begin by recognizing governmental rights of conscription, taxation, regulation, and all the other practices in which one group (the state) is empowered morally and politically to institute rights for other groups. These rights are themselves legal, rather than moral and political; but they are often engender and even depend for their defense upon extension of moral and political rights to groups other than the state. In other words, the rights recognized are exercised by the groups rather than the individuals who compose them or are exercised by constitutive individuals only because they are members of the groups at issue. But we would not have to stop there, for our culture is rich in group rights that have no important connections to the state. Think, for example, of insurance, where classes of policyholders pay (and may even be paid back) differently on the basis of actuarial tables rather than individualities: this institutes an ethics based on groups (and often merely demographic at that) rather than individuals. To go much farther in getting into current practices of group rights would be to slip into a positive argument for recognizing them. But perhaps this much is enough to

make the point that even an ethically individualist culture like ours can, should, and probably must include room for recognizing group rights.

At a minimum, the foregoing considerations of principle and practice must stand as a crucial qualification on ethical individualism in general. If it is to be valid, it must at most lean toward the individual more than the group -- and make a strong argument for doing so. Any general insistence upon tying the very meaning of 'ethics' to a moral individualism is bound to run afoul of the principles and practices just summarized. Any general attempt to elevate the autonomous individual categorically over the group, say by giving individual rights automatic priority over group rights, is likewise contravened by the considerations recently entertained. The precise content -- let alone validity -- of ethical individualism is subject to much controversy. But its inability to bar all recognitions of group rights is -- or should be -- clear.

POLITICAL INDIVIDUALISM

Like ethical individualism, political individualism is subtly but significantly tied to economic individualism. This is plain from Lukes' summary of the ideas of political individualism:

> Underlying them is a picture of society whose members (or rather whose politically relevant members) are, precisely, abstract individuals, as described above: the citizens, on this view, constitute 'independent centers of conciousness,' they are independent and rational beings, who are the sole generators of their own wants and preferences, and the best judges of their own interests -- which can be identified by consulting them or observing what they desire and aim at. Among the ideas comprising political individualism are, first, a view of government as based on the (individually-given) consent of its citizens -- its authority or legitimacy deriving from that consent. ... Second, and allied to this, is a view of political representation as representation, not of orders or estates or social functions or social classes, but of individual interests. And third, there is a view of the purpose of government as being confined to enabling individuals' wants to be satisifed, individuals' interests to be pursued and individuals' rights to be protected, with a clear bias towards laissez-faire and against the idea that it might legitimately influence or alter their

> wants, interpret their interests for them or invade or abrogate their rights.[60]

Of course, this emphasis upon clearing the way for individuals to develop themselves and defend their autonomies is shared deeply with ethical individualism. Once again like ethical individualism, political individualism has been one of the most potent (if often tacit) reasons for rejecting all practices of group rights, or at least all that relate to groups other than the state and rights other than the merely legal. And last like ethical individualism, political individualism raises three questions regarding recognition of group rights: its compatibility in principle, its compatibility in (current) practice, and its overall validity.

At the level of principle, the idealist liberals of the late-nineteenth and early-twentieth century tried to establish the compatibility, necessity, and logic of rights for groups lesser than the state. Rightly conceiving themselves as political individualists, in one significant sense, these idealist liberals insisted that the political indepedence for individuals that all classic liberals desire could be achieved in our times only if protected through the intermediation of such groups. This stream of idealist liberalism has recently resurfaced in several prominent pools of political theory, notably among various kinds of individualists. I think here of the principles proposed or inspired by Robert Paul Wolff, John Rawls, Robert Nozick, and the neoconservatives generally. All this work strongly suggests that political individualism is now rediscovering a needed regard for intermediation by groups in pluralist societies and that eventually the partly idealist project of group rights will be recovered and reconstructed. (Naturally, the purpose of this negative argument on behalf of group rights is to encourage that recovery and reconstruction.)

Any consideration of practical compatibility between political

individualism and practices of group rights would turn to the same examples of mutual support (let alone mere coexistence) among group and individual rights that were evoked in considering economic and ethical individualisms. And the strategy of argument in respect to these examples would be much the same as well. In the closest approximations yet instituted to the ideals of political individualism, there figure a variety of group-rights practices which seem more supportive of the cultural commitment to (defensible) individualism than disruptive or destructive of it. Moreover, contrary to the implication of strict political (or economic or ethical) individualism, these recognitions of group rights seldom seem directly or indirectly dictatorial, totalitarian, or otherwise outrageously perverse. They do not fit the patterns of political corruption ordinarily attributed to organicism, holism, group-think, or other fallacies alleged of nonindividualist political philosophies. Of course, there are some practices almost utterly objectionable to the political individualist, not to mention many practices objectionable in part. But to be able to distinguish skillfully among them, the political individualist probably requires a better theory of groups and certainly needs a better theory of rights than has been propounded in the past (particularly in view of our last half-millennium of domination by -- at least -- the ideas of political individualism). And that is all the negative argument for recognizing group rights need show.

The previous discussion of economic individualism has already identified its association with classic liberalism, which in turn is tied too closely to political individualism to be worth distinguishing in most instances. To that discussion, let me now add only that the severe problems of political individualism in reconciling its virtually atomic individuals with one another and with political order are notorious. Politically individualist consent theory, in particular, has had a hard time even defending a cogent conception

of the state and its rights, let alone providing good standards for rejecting (or ascribing) rights to other groups. The persistence of such theory in the face of all its obvious difficulties could be taken to prove that most political theorists are irrational, perverse, or worse. Or it could just mean that they prefer really tough tasks. Most likely, though, it means that there is something to be said for political individualism, or at least is close kind of liberalism, all its apparent liabilities notwithstanding. If so, then, perhaps what that theory needs as desperately as anything is an appreciation of the possibilities of group rights. That, at any rate, is what a positive argument for group rights would go on to show.

PRACTICES OF GROUP RIGHTS

No attempt can be made here to survey the full scope of group-rights practices. Fortunately, a substantial start in that direction has been made in studies by others.[61] Instead, then, let me summarize ever so briefly the sort of practices these others have begun to plumb in detail. It is standard and sensible practice to take first those group rights which have been recognized in (positive, national) law. For that purpose, the following illustrations should suffice.

Perhaps as frequently as not, legal recognition is given to rights of political units within states or countries. Conceptions and practices of confederation, federalism, and the like cannot be ignored in this regard. But more interesting from a moral and political standpoint are the rights extended to nationalities or ethinic groups which comprise (and sometimes overlap) the populations of states. The classic liberal category of the "nation-state" has long been enunciated in terms so routine and unrestricted that the casual theorist might infer that continued and defensible existence of any contrary kinds of states in the modern world is unthinkable, let alone unworkable. It

would be difficult to be more wrong about a nondefinitional question. Multinational states are closer to the rule than the exception in our times -- as they have been throughout the modern age, its organizational self-understanding or ideal of the nation-state notwithstanding. As the political-science literature on consociational democracy might imply, this condition of multinationality is often handled through the legal extension of rights to the nationalities involved.

In many cases, the ethnic groups are recognized to have rights to separate electoral rolls and separate bases of representation in government. Sometimes they are extended rights to rule over the delimited territories they tend to inhabit. This can sometimes include the capacity to make separate laws on some subjects. More often, ethnic groups are extended the right to live under somewhat different sets of laws (more or less traditionally made), especially including laws concerning property, residence, and the family. Rights to separate school systems, even with separate bases of taxation, have been granted. Perhaps somewhat more startling is the fact that many of these group rights are recognized in the United States. Think of the special rights recognized by the Supreme Court of these groups: the Amish in regard to schooling; Blacks in regard to voter redistricting; Native American Indians and Eskimoes in regard to lands, laws, and more.

The status in law of these group rights in America and around the world is significant for its indication of their general acceptance: in particular, their political and especially their moral acceptance. Thus many and perhaps even most of these legal rights of groups can be inferred to stand for widely recognized political and moral rights of the same groups. If not precisely identical to the legal rights, and often there are important although subtle differences, still these political and moral rights reach to the very heart of an adequate theory of rights. They show that it cannot cling effectively to

its past extremities of individualism, if indeed it can justify any kind of individualism at all.

This argument receives further support from the many recognitions of group rights not yet and perhaps never to be codified. The more phenomenological an examination of ethical practices becomes, the more likely it is to stumble across such rights. To take but one outstanding example, this is evident in the close considerations of practice contained in Michael Walzer's study of Obligations.[62] He untangles tissue after intertwining tissue of rights and responsibilities that reach back and forth across individual and group levels. The same could (and will shortly) be shown of Walzer's careful treatment of the morality of Just and Unjust Wars.[63] Only the blinders of our various individualisms could have kept us from seeing such things clearly.

The nonindividualist moralities of insurance have been purified gradually, almost silently during this century, for the fear that ethical and political reflection upon such practices could catalyze individualist objections to policies we find quite comfortable when unaware of their tacit principles. Even now, as the controversy over extension of these principles in the form of no-fault coverage perhaps suggests, nonindividual rights possess a tinderbox potential for sparks. Think, too, of the see-saw argument over extending to farmers the group right to determine acreage and the like. We remain highly uneasy with group rights, no matter how much we practice them thoughtlessly or how compatible they seem with important individual rights.

Insisting upon our obligations to (accede to the rights of) the state is an intrinsic part of any large political culture and plays a most important part in ours. Arguing for special rights to compensate groups wronged by past (and present) discrimination is a familiar aspect of affirmative action and even civil rights agitation, as is assigning basic rights to groups in order

to rectify those wrongs. Sometimes such rights are intended to be temporary, to work themselves out of existence by dissolving groups created through invidious discrimination; but sometimes not. And even when temporary, such group rights are quite real, bearing repercussions for the basic theory of rights.

Systematic classification of group rights is necessarily left to a positive argument in their behalf. This holds as well for systematic examination of the many intriguing and important intersections between group and individual rights. But even a quick and casual stroll through the ethical and political landscape in which we live can allow us to witness an impressive variety of practices in which group rights are recognized. To overturn so many different and even time-honored practices, surely a much stronger set of reasons is required than any of the individualisms identified here is able to muster. This remains true even -- or perhaps especially -- when some of their participants are reluctant to endorse them in principle and yet find them somehow sound in practice. Facing the broad field of group rights now recognized, the philosophical individualisms may give us pause and the practical individualisms may give us recommendations for specific changes; but none of them can given us reason to reject group rights in principle.

APPLICATIONS FOR GROUP RIGHTS

Recent rights theory has been characterized by the very abstraction promoted by so many of the individualisms identified and criticized here. Indeed, it has been mildly notorious for this. Of course, this standardly individual abstruseness is no accident, since recent rights theory has been thoroughly individualist (by assumption, if not by argument). Indeed, it may be difficult to overturn the individualism of such theory unless this undue abstraction is resisted. Thus a good positive argument for recognizing group

rights would examine their repercussions for the rest of rights theory, but would do so on the basis of solid footing in practices of group rights. Significantly, the regions of recent rights theory most intimately tied to public-policy debates have been the ones where issues of group rights have been most obvious. They have also been the ones where recognition of group rights have been most broad, although somewhat less obvious. By developing the principles of group rights now emerging in these debates, the rights theorist will be in a decent position to resist the entrancing atmospherics that easily lead back into individualism.

To clarify this point, look at recent arguments over affirmative action.[64] Sensitive to political and ethical imperatives with intractable pasts and tenacious futures, the advocates of affirmation action seek to redress actions which have singled out and have sometimes even created a particular group as a target of abuse and discrimination. In America, affirmative action issues have arisen regarding such diverse kinds of groups as the very old, the very young, the very poor, women, blacks, hispanics, and so on. The classic argument for affirmative action is that these groups are groups by virtue of invidious discrimination against their members, who would otherwise be integrated into the mainstream of American life. Hence, remedial actions must be taken to return these people to equality with the other competitors in our pluralist society. In any of these cases, the point is that invidious discrimination has created the group as an ethical and political reality. How but through advantaging group members for a while, can they overcome past injustices and return to a fairly competitive position in the society overall?

Of course, opponents of affirmative action are very quick to respond with accusations of "reverse discrimination." Since the injustice is a matter of failing to treat individuals as individuals, they argue, then it would be

aggravated and perpetuated -- not ameliorated and ended -- by affirmative action policies. Responding to a first wrong with a second wrong in kind can only extend the evil, rather than rectify it. Worse, such policies would encourage the balkanization of American society into corporatist groups, working even further against proper principles of ethical individualism.

Because advocates of affirmative action have almost never been willing to bite the bullet of group rights, they are left with trying to square the circle of affirmative action. Thereby, they give themselves the impossible task of showing somehow that affirmative action is not an extension of group rights, even when it obviously is. If instead they were to admit that affirmative action extends special rights to individuals not as individuals, but as members of groups previous discriminated against, then they could concentrate on discovering whether this is reasonable to do in a given case. They could investigate whether some official limits (of time, for instance) could help meet the concern about balkanization. And they could more intelligently survey the impact of any particular exercise of affirmative action on the general pattern of individual and group interaction in the society as a whole.

This would allow a coherent -- and in some particular cases, compelling -- defense of affirmative action. Moreover, it would allow those sympathetic to affirmative action to appreciate far better than they do now the proper criteria for extending group rights along these lines, not to mention the proper safeguards of limits such practice should include. Until the very concept of group rights is not anathema to advocates of affirmative action, however, their attempts to justify such practices are bound to depend upon evasions of the basic issues and facts of the matter. And finally, by facing up to these issues and facts, especially as regards group rights, much could be learned about rights in particular, as well as ethics and politics in

general.

The same controversies, obscurities, and opportunities are evident in recently revived discourse over morality in international relations. This policy area encompasses issues of human rights and foreign policy, principles of emigration and immigration, problems of refugees, standards of war, and many other matters all too unfortunately on the agenda today. In this regard, let me simply point to a classic case of showing the need for recognition of group rights and yet being unable to admit it. To fault Michael Walzer's Just and Unjust War on this score may be like finding an imperfection inside the glove compartment of a new car but can be instructive nonetheless.

In the book's prefatory statement of principles, Walzer explicitly eschews recognition of group rights: "the arguments we make about war are most fully understood (though other understandings are possible) as efforts to recognize and respect the rights of individual and associated men and women." Throughout the book, he indicates that his argument is to proceed in terms of individual rights only, implying that group rights are impossible or perverse. At one point, for instance, he writes that rights apparently ascribed to groups and communities in his argument nonetheless

> derive ultimately from the rights of individuals, and from them they take their force. ... When states are attacked, it is their members who are challenged, not only in their lives, but also in the sum of things they value most, including the political association they have made. We recognize and explain this challenge by referring to their rights. If they were not morally entitled to choose their form of government and shape the policies that shape their lives, external coercion would not be a crime; nor could it so easily be said that they had been forced to resist in self-defense. Individual rights (to life and liberty) underlie the most important judgments that we make about war.

Yet the book is even more thoroughly devoted to demonstrating the desirability -- indeed, the necessity -- of extending rights to groups like political communities, refugees, and nationalities. Even Walzer's own words would seem

to admit as much. For example, he insists: "for soldiers acquire war rights not as individual warriors but as political instruments, servants of a community that in turn provides services for its soldiers."[65]

Not only do similar statements pepper the book, but its basic philosophy is dependent upon regarding communities and the like as ethical entities, capable of rights and responsibilities. Most of the rights of individuals in fact depend in Walzer's contexts upon their membership in one or another group with rights; the individuals' rights are derivative of the groups', and not the other way around. Recognizing this, various critics have attacked Walzer for "romanticizing the state" and other sins commonly attributed to recognizers of group rights.[66] As with affirmative action controversies, the best response would be an admission of the group-rights move, together with an insistence that the detailed analysis and argument of the book as a whole more than justifies that move.

Through careful but creative consideration of potential applications like these, there is now a great opportunity for overcoming the undue individualism of rights theory. Seeing that the reasons for rejecting group rights in toto cannot be sustained, we owe it to ourselves to formulate and entertain positive arguments for recognizing rights of groups and communities.

RHETORICS AND POLITICS

To conclude these reflections on group rights and individualist resistance to their recognition, let me sketch the repercussions of that resistance for the very concept and character of rights, whether individual or communal. Of late, philosophers have proposed a myriad of (somewhat interrelated) conceptions of rights: as exclusionary principles, as entitlements, as promises, as rules, as principles, as reasons, and (least specifically) as (somehow special) claims. All are compatible with the

congenial idea that rights, when recognized, carry correlative duties. All allow us to distinguish rights from those duties, more broadly from responsibilities, and more ticklishly from interests. And most implicitly remove rights from the fray of politics, usually by regarding rights as fundamentally moral entities which (should) limit politics in important respects. The foregoing considerations reveal the last point to be particularly problematical.

One reason for recognizing group rights is acceding to the reality of actual practices (of economics, politics, ethics, and law) as complicated fields of claims and responses by a variety of agents: individuals, institutions, interests, corporations, classes, communities, peoples, and the like. This reality encourages us to regard rights as justified, specific claims of such agents on one another in respect to some substance or issue among them. Within the field of claims and responses, rights are neither absolute nor indefeasible. But they are more basic or specific than interests. Plainly, a major challenge to defenses of group rights is to explain precisely how and why they differ from interests, which is the more familiar way in theory to address institutional, communal, and other so-called collective claims. This is not the place for that explanation; still, I should add that the diversities of agents which can bear and exercise rights make for diversities not only in the subjects and objects of rights but also in the kinds and characters of rights. In turn, this means that differences between rights and interests must be expressed in terms of several distinctions. A single, grand split can only reiterate the general point that rights are more basic than interests and therefore override them.

To treat rights thus as special claims within complicated domains of many claims is to begin to recognize rights as primary rhetorical and political entities. For this puts rights into the rhetorical and political fray of

creating, contrasting, competing, cooperating, compromising, coalescing, coercing, cross-cutting claims that we readily recognize as rhetorical and political activity. Particularly when we refuse to treat rights as absolutes, we are practically bound to accept politicking about priorities, trade-offs, accommodations, choices, and so forth. From this, it is a short further step to regarding rights as a set of strategies and styles in politics. Then rights are seen not only as results of political action but also and often as opening gambits, interim measures, continuing modes, and calculated devices of political life.

By contrast, the moralization or legalization effected by most philosophical theories of rights tends to portray them as only products or limits of politics. Rights are treated as though they were bare moral facts: there or not in reality, recognized and exercised or not in practice. Rights are known to occasion disputes, but they are misconceived to intend always a dictating of results and a stabilizing of direct relationships. Law and morality are implied to put bounds on political struggle, whether they prove effective or not. Legalized or moralized, rights are assumed to regulate politics from above, below, or otherwise outside. Thus when philosophers talk these days of "political rights," they usually mean such moral or legal rights in regard to politics as freedom of assembly, election, or speech. At most, these are regarded as "political" in a constitutive sense of defining conditions or criteria for having (proper) politics at all.

But the individualism of rights philosophers is revealing, especially when examined rhetorically. I have suggested that the more abstract, absolute, and philosophical theses of individualism tend to defend themselves in terms of the more concrete, conditional, and ethical or political theses of individualism. This is to say that even individualist philosophies of rights reveal themselves to be rights rhetorics and politics. Not just assertions of

particular rights, then, but even assertions of rights philosophies turn out to be rhetorical and political moves, through and through, whether or not their authors recognize them as such. And this is the great negative advantage of recognizing group rights for fathoming the nature of rights generally: overcoming the objections of individualist opponents makes unmistakably clear the rhetorical and political status of all rights and theories about them.

There is a great positive advantage as well, and it traces to the intimate ties of group-rights theories to political-community theories. One way to express this is to borrow Hegel's famous distinction between Moralitat and Sittlichkeit, morality and ethics. Thinking of Immanuel Kant, Hegel defines morality as the individual domain of right conduct. But then he argues the superiority -- philosophically, politically, and (as it were) even morally -- of ethics, the communitarian domain of right conduct. As suggested in the previous pages, the latter perspective is better at addressing the full field of actual actors: institutions, classes, and other such agents -- as well as human persons. 'Ethics' comes from 'ethos,' which refers to communities in their specifically political aspects. Hence ethics insists on situating the issues of individual, personal morality within the full and proper contexts of politics. Recognizing group rights as ethical -- not merely moral -- rights is thus a positive step toward recognizing all rights as specially political. And that political domain, for Hegel as for the ancient Greeks, is specifically and splendidly the realm of rhetoric. Hence rights are pre-eminently political and rhetorical entities.

FOOTNOTES

1. See: Robert Nozick, Anarchy, State, and Utopia, New York, Basic Books, 1974; Ronald Dworkin, Taking Rights Seriously, Cambridge, MA, Harvard University Press, 1977; Social Theory and Practice, 5, 3-4, Summer-Winter, 1979, special issue on Dworkin's book; Richard Flathman, The Practice of Rights, New York, Cambridge University Press, 1976; Charles Fried, Right and Wrong, Cambridge, MA, Harvard University Press, 1978; David Lyons, Rights, Belmont, CA, Wadsworth, 1979; A. I. Melden, Rights and Right Conduct, Oxford, Oxford University Press, 1959; A. I. Melden, ed., Human Rights, Belmon, CA, Wadsworth, 1970; A. I. Meldon, Rights and Persons, Berkeley, University of California Press, 1977; Peter Archer, Human Rights, Fabian Research Series 274, London, Fabian Society, January, 1979; Joel Feinberg, Rights, Justice, and the Bounds of Liberty, Princeton, NJ, Princeton University Press, 1980. Articles and essays on the theory of rights generally are simply too numerous to note here, but see: Rex Martin and James W. Nickel, "A Bibliography on the Nature and Foundation of Rights, 1947-1977," Political Theory, 6, 3, August, 1978, 395-413.
2. Steven Lukes, Individualism, New York, Harper and Row, 1973, vii.
3. Ibid., 107.
4. Ibid., 109.
5. See: Peter L. Berger and Thomas Luckmann, The Social Construction of Reality, Garden City, NY, Doubleday, 1966; Werner Stark, The Sociology of Knowledge, London, Routledge and Kegan Paul, 1958; Thomas S. Kuhn, The Structure of Scientific Revolutions, Chicago, University of Chicago Press, enlarged second edition, 1970; Norwood Russell Hanson, Patterns of Discovery, New York, Cambridge University Press, 1965; Wilfrid Sellars, Science, Perception and Reality, Atlantic Highlands,

NJ, Humanities Press, 1965; Gerard Radnitzky, Contemporary Schools of Metascience, Chicago, Regnery, enlarged third edition, 1973; Ernst Cassirer, The Phenomenology of Knowledge, Ralph Manheim, trans., New Haven, Yale University Press, 1957; Jurgen Habermas, Knowledge and Human Interests, Jeremy J. Shapiro, trans., Boston, Beacon Press, 1971; Paul Feyerabend, Against Method, Atlantic Highlands, NJ, Humanities Press, 1975; Maurice Merleau-Ponty, Phenomenology of Perception, Colin Smith, trans., Atlantic Highlands, NJ, Humanities Press, 1962; Michael Polanyi, Personal Knowledge, New York, Harper and Row, second edition-1964; William Gass, On Being Blue, Boston, Godine, 1976; Richard Rorty, Philosophy and the Mirror of Nature, Princeton, NJ, Princeton University Press, 1979; Stanley Cavell, The Claim of Reason, New York, Oxford University Press, 1979.

6. See: Roderick Nash, "Do Rocks Have Rights? Thoughts on Environmental Ethics," Small Comforts for Hard Times, Michael Mooney and Florian Stuber, eds., New York, Columbia University Press, 1977, 120-134; Peter Singer, Animal Liberation, New York, New York Review of Books Press, 1975; Peter Singer, "All Animals Are Equal," Philosoophic Exchange, 1, 5, Summer, 1974, 103-116; Joseph Margolis, "Animals Have No Rights and Are Not the Equal of Humans," Philosophic Exchange, 1, 5, Summer, 1974, 119-123; Kevin Donaghy, "Singer on Speciesism," Philosophic Exchange, 1, 5, Summer, 1974, 125-127; Peter Singer, "The Fable of the Fox and the Unliberated Animals," Ethics, 88, 2, January, 1978, 119-125; Tom Regan, "Utilitarianism, Vegetarianism, and Animal rights," Philosophy and Public Affairs, 9, 4, Summer, 1980, 305-324; Peter Singer, "Utilitarianism and Vegetarianism," Philosophy and Public Affairs, 9, 4, Summer, 1980, 325-337; Tom Regan, "McClosky on Why Animals Cannot Have Rights," Philosophical Quarterly, 26, 104, July, 1976, 251-257; R. G.

Frey, "Interests and Animal Rights," Philosophical Quarterly, 27, 108, July, 1977, 254-259; Tom Regan, "Frey on Interests and Animal Rights," Philosophical Quarterly, 27, 109, October, 1977, 335-337.

7. See: Flathman, The Practice of Rights, especially 73-74 and 87-88.

8. See: Patricia A. Varden and Ilene N. Brody, eds., Children's Rights, New York, Teachers College Press, 1978; Howard Cohen, Equal Rights for Children, Totowa, NJ, Littlefield, Adams, 1980; Hugh LaFollette, Whose Child? — Children's Rights, Parental Authority, and State Power, Totowa, NJ, Littlefield, Adams, 1980; Onora O'Neill and William Ruddick, eds., Having Children, New York, Oxford University Press, 1979. Of course, issues of children's rights can shade over into debates about abortion, fetus rights, rights to life, and so forth. Repercussions of prisoner, patient, and other inmate dependencies for rights-bearing have been discussed less in general principle than in particular regard to citizenship status.

9. See: Flathman, The Practice of Rights, especially 77-79.

10. See: John Stuart Mill, Considerations on Representative Government, Currin V. Shields, ed., Indianapolis, Bobbs-Merrill, 1958; J. Roland Pennock and John W. Chapman, eds., Nomos X: Representation, New York, Atherton Press, 1968; Hanna Fenichel Pitkin, The Concept of Representation, Berkeley, University of California Press, 1967; Hanna Fenichel Pitkin, Wittgenstein and Justice, Berkeley, University of California Press, 1972, 193-218; Richard Fralin, Rousseau and Representation, New York, Columbia University Press, 1978; Cavell, The Claim of Reason, especially 25-35.

11. See: F. A. von Hayek, "The Facts of the Social Sciences," Ethics, 54, 1, October, 1943, 1-13; F. A. von Hayek, "Scientism and the Study of Society," Economica, in three parts, (IX, 1942, 267-271), (X, 1943,

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Social Science, 625-631.

12. See: Lukes, Individualism, 110-115.

13. Watkins, "Social Phenomena...," 604.

14. With special regard to the social sciences, and hence (as it happens) with especially clear ties to methodological individualism, accounts of this "standard model" of scientific explanation may be found in: Quentin Gibson, The Logic of Social Enquiry, Atlantic Highlands, NJ, Humanities Press, 1960; Richard S. Rudner, Philosophy of Social Science, Englewood Cliffs, NJ, Prentice-Hall, 1966; Eugene J. Meehan, Explanation in Social Science, Homewood, IL, Dorsey Press, 1968; Eugene J. Meehan, The Foundations of Political Analysis, Homewood, IL, Dorsey Press, 1971; John G. Gunnell, Philosophy, Science, and Political Inquiry, Morristown, NJ, General Learning Press, 1975; Gunnell, "Deduction, Explanation, and Social Scientific Inquiry," American Political Science Review, 63, 4, December, 1969, 1233-1246; John S. Nelson, "Once More on Kuhn," Political Methodology, 1, 2, Spring, 1974, 73-104; Nelson, "Accidents, Laws, and Philosophic Flaws: Behavioral Explanation in Dahl and Dahrendorf," Comparative Politics, 7, 2, April, 1975, 435-457.

15. See: Carl G. Hempel, Aspects of Scientific Explanation, New York, Free Press, 1965; Ernest Nagel, The Structure of Science, New York, Harcourt, Brace and World, 1961; Peter Achinstein and Stephen F. Barker, eds., The Legacy of Logical Positivism, Baltimore, Johns Hopkins University Press, 1969.

16. "The Individual: Product of Maker of Society?" is the title of the section on methodological individualism in Leonard I. Krimerman's excellent anthology on The Nature and Scope of Social Science, 585ff.

17. Watkins, "Social Phenomena...," 605.

18. Ibid.

19. See: Isaiah Berlin, "Historical Inevitability," The Philosophy of History in Our Time, Hans Meyerhoff, ed., Garden City, NY, Doubleday, 1959, 249-273.

20. Watkins, "Social Phenomena...," 606.

21. Brodbeck, "Methodological Individualisms," 299, 304, 305, and 321.

22. Watkins, in both essays previously cited.

23. Brodbeck, "Methodological Individualisms," 325-328.

24. Ibid., 304.

25. This point is exemplified by the logical-positivist and -empiricist conceptions of "explanation sketches" and "inperfect knowledge." On the former, see: Carl G. Hempel, "Explanation in Science and History," Philosophical Analysis and History, 95-126; Michael Scriven, "Causes, Connections and Conditions in History," Philosophical Analysis and History, 238-264; Michael Scriven, "The Covering Law Position: A Critique and an Alternative Analysis," The Nature and Scope of Social Science, 94-116; Alan Donagan, "The Popper-Hempel Theory Reconsidered," Philosophical Analysis and History, 127-159; Alan Donagan, "Explanation in History," Theories of History, 428-443; William H. Dray, "'Explaining What' in History," Theories of History, 403-408. On the latter, see: Gustav Bergmann, Philosophy of Science, Madison, University of Wisconsin Press, 1966, 115-124; May Brodbeck, ed., "Explanation, Prediction, and Imperfect Knowledge," Readings in the Philosophy of the Social Sciences, New York, Macmillan, 1968, 337-455; Brodbeck, "Methodological Individualisms," 307-319; Watkins, "Social Phenomena...," 605, fn. 2.

26. Arthur C. Danto, "The Historical Individual," Philosophical Analysis and History, 265-296, on 276-277.

27. Kaplan, The Conduct of Inquiry, 82.

28. See: Karel Kosik, Dialectics of the Concrete, Karel Kovanda and James Schmidt, trans., Boston, D. Reidel, 1976; Joseph Gabel, False Consciousness, Margaret A. Thompson, trans., New York, Harper and Row, 1962; Georg Lukacs, History and Class Consciousness, Rodney Livingstone, trans., London, Merlin Press, 1971; Alfred North Whitehead, Science and the Modern World, New York, Free Press, 1948; Peter L.